

EDWARD HINES
TO THE
UNION LEAGUE CLUB

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I.H.S.



ERRATA.

- Page 97. First line: Change "I" to "he."
- Page 109. Eleventh line should read: "That memorandum you called the Lorimer case."
- Page 109. Line 27: Change "(608)" to "(867)."
- Page 112. Second line should read: "Washington; that from February 7 to March 5 I was in."
- Page 114. Telegram from Edward H. Thomas should read: "Reminders sent January twelfth to Charles E. Ward there via American Express. Tracing.
EDWARD H. THOMAS."
- Page 138. Ninth line: Change "29th" to "19th."
- Page 144. Paragraph three: Change January "21" to January "20."
- Page 162. Paragraph four: Change date in last line from "1910" to "1909."



EDWARD HINES TO THE UNION LEAGUE CLUB

A STATEMENT OF FACTS RELATIVE TO CHARGES CONSIDERED BY ITS BOARD OF DIRECTORS

"It is not proved that Edward Hines received \$100,000 or any other sum, or that he contributed any sum whatever to aid in or obtain the election of William Lorimer to the United States Senate. The evidence is that he did not raise, contribute to or expend said sum or any sum of money whatsoever to aid or assist improperly in the election of Senator Lorimer."

Resolution passed without a dissenting vote by the Dillingham Committee on March 28, 1912.

"I have never known or heard of anything in Mr. Hines' habits or in his personal life that could be subject to the least criticism."

Testimony of Clarence S. Funk before the Dillingham Committee.

After the most searching inquiry the Committee is unable to find any evidence that any sum of money was raised or contributed by Mr. Hines, or through his suggestion, or with his knowledge, to be used corruptly in securing the election of Mr. Lorimer as a Senator of the United States from the State of Illinois, or that Mr. Hines participated in any corrupt practices of any nature in connection with such election, nor can the committee find that any such fund was raised by any person or persons to be so used. The Committee goes further and reports that it finds no evidence that any such fund was ever contemplated by Mr. Hines, or suggested to him by any of the gentlemen with whom he conferred before the election of Mr. Lorimer regarding the election of a Senator of the United States from the State of Illinois, and in fact there is no proof that Mr. Hines raised or furnished or spent improperly any money to aid in the election of Mr. Lorimer.

Extract from Report of the Dillingham Committee made on May 20, 1912.

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*Illinois
Historical
Survey*

EDWARD HINES TO THE UNION LEAGUE CLUB.

CHICAGO, JUNE 17, 1912.

THOS. H. SMITH,
4407 Lake Ave., Chicago, Ill.

Dear Sir:

In my letter to you of March 23, 1912, regarding the action of certain directors of the Club in expelling me, I said I would send you a "Statement of Facts" which I believed would convince you and any unprejudiced member that such action was grossly unjust to me, unwarranted by the evidence and that the hearing given me was a biased one.

The delay in presenting these facts has been caused by two reasons. First; Nearly a month passed after the hearing before the officials of the Club would consent to supply me with the record of the proceedings on which my expulsion is alleged to have been made. Second; I have insisted that my attorneys should make an exhaustive study of that record and compare it with the official record of the proceedings of the Dillingham Senatorial Committee, and that every precaution be taken so that a review of the proceedings might be presented against which no criticism could be directed.

The motive of your officers in hesitating to grant my demand for a copy of this record will be disclosed to you when you have read the pages that follow. Not until Mr. Marquis Eaton, my attorney in that hearing, and an honored member of your Club, had made repeated and insistent demands for this record, was it reluctantly yielded to him. In order that you labor under no misapprehension concerning this strange attitude of certain of your officials, I refer you to the following correspondence, and ask you to note that it is indicative of a desire to deny me an opportunity to present to you the record of those proceedings:

Up West Section

EDWARD HINES TO THE U. L. CLUB

LAW OFFICES DEFREES, BUCKINGHAM, RITTER, CAMPBELL &
EATON.

CHICAGO, FEB. 28, 1912.

Mr. Walter D. Herrick,

Secretary Union League Club, Chicago.

Dear Sir: Mr. Edward Hines has asked us to obtain for him immediately a record of the proceedings before the Board of Managers of the Union League Club, in the matter of the charges filed against him under date of June 2, 1911.

Will you please authorize the official stenographer to prepare, at the expense of Mr. Hines, and to deliver to Mr. Hines a copy of the record of such proceedings,

Respectfully yours,

DEFREES, BUCKINGHAM, RITTER, CAMPBELL & EATON.

By Joseph H. Defrees.

It was assumed that this request would be granted without hesitation or the imposing of conditions. When the hearings were over, my attorney was promised a transcript of the proceedings and was given to understand that he might have three copies thereof if he would pay for them. We agreed to pay for them, but when he tried to get the transcript for me the matter was delayed time and again.

After repeated attempts to obtain a copy of the record of the proceedings, Mr. Eaton was told he might have a copy on this remarkable condition: *That I should not show it to anybody, or leave it around where it might be seen, and that I should make no use of it for any purpose!* Can you imagine what I would want with this record, especially three copies of it, and be willing to pay for them, unless I wished to make some use of them? Finally an excuse for not letting me have these copies was made by one member of the Board, who stated that he had learned from some source that I intended to prepare a statement therefrom to send to the members of the Club! What do you think of that?

When you have read these pages you will understand why this course was attempted. Mr. Eaton brought matters to a crisis on March 13, through the following letter:

EDWARD HINES TO THE U. L. CLUB

LAW OFFICES DEFREES, BUCKINGHAM, RITTER, CAMPBELL
& EATON.

CHICAGO, MARCH 13, 1912.

Mr. Wm. P. Sidley, President,
1007 Tacoma Building, Chicago.

Dear Sir: Your telephone message of yesterday, in which you advised Mr. Eaton that the Board of Directors of the Union League Club regarded the copy of the record of the proceedings against Edward Hines" *as delivered under injunctions of the utmost secrecy with respect to its use,*" has been the subject of consideration in this office.

We are of the opinion that it is desirable to avoid possible misunderstanding by a formal statement of our position in the matter.

(1) We have no information with respect to the use Mr. Hines proposes to make of the record in question. The fact that he directed us to order two extra carbons for his attorneys, Judge Farrer, Judge Hynes, Judge Page, and Messers. Herrick, Allen & Martin, is one, the significance of which, if it has any, is as readily interpreted by you as by us.

(2) Our Mr. Defrees, in his letter of Feb. 28th, requesting on Mr. Hines' behalf a copy of these proceedings, did not leave ground for any impression that we were undertaking to control the use of such record in the hands of Mr. Hines and his General Counsel.

(3) We had no doubt then and we have no doubt now that Mr. Hines is entitled as a matter of right to the copy of the record requested on his behalf.

(4) Because of our relation to the Union League Club, we felt that the proprieties would be better served if we retired as counsel in the matter at the conclusion of the proceedings before the Board. Our views in this respect were strengthened by the vote of the Board to give Mr. Hines (as we supposed, unconditionally,) a copy of the proceedings. We felt that this copy would enable Mr. Hines' General Counsel to represent him understandingly in future litigation, if any, and that the retirement of the Counsel who directed the proceedings in his behalf would therefore work no injustice to Mr. Hines.

(5) Having reported to the General Counsel the exact facts with respect to our unconditional request and the Board's unconditional compliance, we are humiliated and

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embarrassed by an intimation that the Board expects us to be responsible in any way for the use of the record by others over whose actions we obviously have no control.

(6) For the reasons stated, we must stand in this matter solely on our letter of Feb. 28th. Mr. Hines and his General Counsel have regarded that letter as a legal request for a copy of the proceedings and they will naturally insist either on the unconditional compliance which we assumed was authorized, or upon a refusal by the Board of what Counsel all regard as a wholly just request.

(7) We are writing this letter without consultation with Mr. Hines or his Counsel. We think Mr. Hines is absolutely entitled to have a copy of these proceedings delivered to him unconditionally, and we must, of course, decline the covenant against any acts other than our own.

Very Respectfully,

DEFREES, BUCKINGHAM, RITTER, CAMPBELL & EATON.
By Marquis Eaton.

This letter had on March 22nd, the desired effect, and rendered unnecessary the contemplated bringing of legal proceedings against the Board to secure the record to which I was entitled, but which had been withheld for weeks. If your officials have any just reason for attempting to impose secrecy on me, ask them to name it. I eagerly embrace this opportunity to present to you a fair review of the facts developed before your Board and found in the record of my trial before it. That record affirms, not my guilt, but my absolute innocence.

SOME PRELIMINARY HISTORY

The events leading up to the action against me are here briefly summarized. The dates are important.

May 26, 1909, William Lorimer was elected Senator. About Sept. 20, 1910, a sub-committee of the United States Senate came to Chicago and remained till about Oct. 8, taking evidence in regard to Mr. Lorimer's right to his seat. During all that time it held its sessions just across the street from the offices of C. S. Funk and the International Harvester Company. The newspapers had full accounts of its hearings, and Funk and those connected with him knew the purpose of the same, but

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none of them went before or communicated with that Committee, although Funk undoubtedly passed where it was sitting every day.

The sub-committee returned to Washington, and about Dec. 21 made its report. The United States Senate declared Mr. Lorimer entitled to his seat. Up to that time no one, to my knowledge, had even intimated that I improperly aided in the election of Mr. Lorimer.

Jan. 17, 1911, what is known as the Helm Committee, was appointed to investigate charges of improper conduct of members of the Illinois Legislature.

On March 28, 1911, I was called before that Committee and extensively questioned in regard to having solicited, contributed to, raised or having any knowledge of a fund to aid in the election of Mr. Lorimer. There under oath I denied having done any of these things or having any such knowledge of them. At that time I was utterly ignorant that Funk claimed to have had any conversation with me in which I said I financially aided in that election, or that I had asked him for a contribution. After testifying I was permitted to return home without any suggestion of the existence of such a claim or that such claim was then known to the Committee or to its attorney. But in the light of what followed, it is clear that the Helm Committee and its attorney had such knowledge in advance of the testimony of Funk; also that their calling me first and not asking me specifically about the Funk *claim* was part of a *prearranged plan*. The natural and fair way would have been to have called Funk first, or at least to have specifically questioned me concerning that claim.

I never had asked Funk for any contribution, did not know he made any such claim, and therefore when before that Committee I had no such thing in mind. Some time later the court held that the Helm Committee was acting illegally, and thereupon it discontinued its investigation.

June 7, 1911, the U. S. Senate appointed the Dillingham Committee to investigate the new charges against Senator Lorimer. It consisted of eight Senators, evenly divided

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politically, four Democrats and four Republicans. Long before its appointment it was understood throughout the country that such a committee *would be* appointed and would make such investigation.

IGNORING THE SENATE OF THE UNITED STATES

June 2, 1911, a communication signed by seven members of the Union League Club was presented to the Board of Directors, citing the Helm Committee report and asking the Board to take such action with reference to me as would seem appropriate. On the same day the Board voted to have me appear before it on June 5, and notified me to then appear and make a statement.

On that day Mr. Charles L. Allen, my personal attorney, went with me to the Club and said to the Directors that as the Senate Committee was about to investigate the matters in question, it would be improper for the Directors to take up the matter while that investigation was pending, and that action by the Board should be deferred *at least* until that Senatorial Committee had passed upon the matter. The Board held a conference, and announced to us that it would *not proceed* at present; leaving the inference that it recognized the manifest impropriety of taking any action while the Dillingham Committee was investigating and that the Union League Board would *not proceed* until that Committee had finished. I relied upon this.

Over *four months later*, to my surprise, I received from the Secretary of the Board, a letter dated November 15, 1911, as follows:

"SECRETARY'S OFFICE,
UNION LEAGUE CLUB, CHICAGO.

Edward Hines, Esq.

Lincoln & Blue Island Ave.,
Chicago, Ill.

Dear Sir: At at meeting of the Board of Managers of this club, held November 13th, it was voted to hold a special meeting of the Board on Monday, November 20, 1911, at 4:30 p. m., for the purpose of considering certain charges against you, embodied in a communication from

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certain members of the Club, dated June 2, 1911, relative to your conduct, a copy of which communication was sent to you on June 3rd. At this meeting of the Board you will be given an opportunity to be heard in your defense, pursuant to Section 9 of Article 11 of the By-Laws.

I enclose herewith copy of certain statements made to the board at its meeting of November 13th by Mr. Clarence S. Funk, and I desire to say that, if you so desire, you will be given an opportunity to question Mr. Funk before the Board with reference to such statements.

Very truly yours,
(Signed) WALTER D. HERRICK,
Secretary.

November 15, 1911.
Enclosure. Reg. Mail."

When the charges of June 2nd and June 5th were presented to the Board it was announced that the directors would not proceed. This was an evident recognition of the fact that the matter was formally under consideration by the Dillingham Committee. The above action of the Board, taken four months later without notice to me or my counsel, was a violation of my rights and a disregard of all precedent. The Board took the evidence of Funk at a secret meeting to which I was not invited. Neither was I permitted in person nor by counsel to cross-examine my accuser. This ignored the understanding which I supposed we all had.

Owing to absence from the city I did not receive the letter of November 15 until Saturday the 18th, just two days before the Board was to meet. I at once called upon the President of the Club and informed him I had just returned, that my counsel was out of the city, and requested that the matter be temporarily put over. He told me this *could not be done*. He gave no reason whatever, but arbitrarily insisted that I appear. Thereupon I telegraphed my counsel, Mr. Charles L. Allen, of Herrick, Allen & Martin and he arrived in Chicago on the 20th, and on that day I sent the Board the following letter:

EDWARD HINES TO THE U. L. CLUB

CHICAGO, NOVEMBER 20th, 1911.

To the Board of Managers of the Union League Club,
Chicago, Illinois.

Dear Sirs: I have received by mail from Mr. Herrick, the Secretary of the Club, a communication of the 15th instant, stating that at a meeting of the Board of Managers of the Club, held the 13th instant, it was voted to hold a special meeting of the Board on Monday, the 20th instant, at 4:30 P. M., for the purpose of considering certain charges against me, embodied in a communication to the Board from certain members of the Club, dated June 2nd, 1911, relative to my conduct, and that, at the proposed meeting I would be given an opportunity to be heard in my defense, pursuant to Section 11 of Article 9 of the By-Laws. The letter also enclosed a copy of certain statements made to the Board, at a meeting held on November 13th, 1911, by Mr. Clarence S. Funk, and stated that if I desired I would be given an opportunity to question Mr. Funk before the Board.

Owing to my absence from the city I did not receive Mr. Herrick's letter of the 15th instant until after my return on Saturday, the 18th instant.

I at once communicated with the President of the Club, and informed him that I had just returned, and also that my counsel was out of the city, and I requested that the matter be temporarily put over. He, however, told me that this could not be done. I thereupon telegraphed to my counsel to return to the city, as I wished to confer with him, and he arrived in Chicago today and I have had an interview with him.

I am willing at any time to appear before the Board, and have any proper charges that are made against me, investigated. I am, however, advised that, under the By-Laws of the Club, I am entitled to have charges made against me in proper form and to be furnished with a copy of such charges and given a reasonable opportunity to defend.

I am also advised that the communication from certain members of the Club to you, dated June 2nd, 1911, above referred to, does not constitute such charges as I am in reason and in law entitled to have preferred against me before I can be required to appear before your Board in my defense.

I will add that if any of the matters referred to in the

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communication of June 2nd, 1911, are to be put in such shape as to constitute charges which I am to answer, it may be necessary for me to bring before you, in addition to witnesses residing in this State, a number of important witnesses who have no personal interest in the matter, and who do not reside in this State, and whose presence at such hearing I have no legal means of compelling. In such case, I should endeavor to have them present as soon as practicable, but you will understand that, to a certain extent, I would have to consult their convenience and their other engagements.

I am also advised that if any charges are preferred against me, I am entitled to be represented by counsel at any hearing of the charges. I will add that the fact that I am not a lawyer myself, and that there are leading lawyers among your number, and the further fact that a proper hearing of the matter may require the cross examination of the witnesses against me, and the examination of many witnesses on my behalf, are additional reasons why I should be represented by counsel, and that it does not seem to be fair that under the circumstances I should be asked to conduct the hearing myself.

I think it proper for me to further state that the entire subject matter of the communication dated June 2nd, 1911, and of the report of the Illinois Committee, from which it quotes at length, have been under investigation by a Committee of the United States Senate, in the matter of the proceedings relating to the election of William Lorimer to that body. In the course of those proceedings, the Committee had power to compel the appearance before it of all witnesses necessary to enable it to arrive at the exact truth of the situation, and a large number of witnesses were examined. This Committee has not concluded its investigation, and I am informed that it is expected that other witnesses will be examined by it touching the particular subject matter, but that a report of the committee may be expected soon. While I am not a party to those proceedings, the report of the Committee, which will be in its nature a judicial finding, will no doubt determine many of the points referred to in the communication of June 2nd, 1911, including any points which may be considered as referring to me.

Under these circumstances, it seems to me fair that you

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should await the result of the Senatorial investigation before proceeding in this matter.

I will add that the statements by Mr. Clarence S. Funk, of which a copy was enclosed in your Secretary's letter, were made, as appears from the statements in answer to questions asked by one of the members of the Board, at a meeting of the Board at which I was not present, and of which I had no notice, and at which Mr. Funk had been invited by the Board to be present, and that I am advised that if any charges are preferred against me, I have the right to be present, and also to be represented by counsel, when any witnesses are examined in support of them.

Yours very truly,
EDWARD HINES.

The Secretary replied under date of Dec. 5 as follows:

UNION LEAGUE CLUB, CHICAGO.

SECRETARY'S OFFICE,

DECEMBER 5, 1911.

Edward Hines, Esq.,
Lincoln and Blue Island Ave.
Chicago, Ill.

Dear Sir: Referring to my letter to you of November 15th, 1911, and to your communication of November 20th, 1911, addressed to the Board of Managers of the Union League Club, I beg to advise that the Board regards the communication of June 2, 1911, as well as the statement of Mr. Funk before the Board, as sufficiently specific to advise you as to the matters relative to your conduct, which the Board has decided to investigate.

As to your request that you be permitted to be represented by counsel, the Board considers that the By-Laws of the Club do not contemplate this as a matter of right, but has nevertheless decided to accord you this privilege.

The Board will sit in the Club house Saturday, December 16, 1911, at 2:00 p. m., for the purpose of affording a hearing upon the matters in question and at that time *the issue will be confined to the alleged interview between yourself and Mr. Funk in the Clubhouse*, referred to in his statement before the Board and in the communication of June 2, 1911.

You are hereby notified to appear before the Board at the time and place as above stated, and to produce such

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testimony as you may desire to offer *with reference to the single issue above referred to.*

Very truly yours,

(Signed) WALTER D. HERRICK,
Secretary.

Upon Dec. 16 the hearing was postponed as per the following letter of the Secretary of the Board, dated Dec. 20, 1911:

UNION LEAGUE CLUB, CHICAGO.

SECRETARY'S OFFICE.

Edward Hines, Esq.,
Lincoln and Blue Island Ave.,
Chicago, Ill.

Dear Sir: At the request of your counsel, the hearing set for December 16th was again postponed, and we have succeeded in arranging for such a hearing at the time suggested by your counsel; namely, Tuesday, January 2, 1912, at 3:30 p. m.

The Board of Managers will sit in the Club house at this time, and you will be required and are hereby invited to appear before the Board at such time and produce such witnesses and testimony as you may desire to offer, *in regard to the alleged conversation between yourself and Mr. Funk at the Club house.*

Very truly yours,

(Signed) WALTER D. HERRICK,
Secretary.

December 20, 1911.

Up to this time I had as my counsel Mr. Allen, who had full knowledge of these matters. He was not a member of the Club. The Board did not want counsel to appear for me who was not a member, and especially requested that I have counsel to represent me who was a member. In pursuance of that request and to show my willingness to act in harmony with the views of the Board, I retained other counsel, and was represented by Mr. Marquis Eaton, of the firm of Defrees, Buckingham, Ritter, Campbell and Eaton, who was a member of the Club, but up to that time wholly unfamiliar with these matters. On December 22, Mr. Eaton sent the following letter to the Board:

EDWARD HINES TO THE U. L. CLUB

DECEMBER 22, 1911.

Mr. Walter D. Herrick,
Secretary Union League Club,
Chicago, Illinois.

Dear Sir: Mr. Edward Hines personally and through his General Counsel, Messrs. Herrick, Allen and Martin, made the request of us on Wednesday, December 20th, that we represent him in any hearing before the Board of Managers of the Union League Club growing out of a certain statement addressed to the Board of Managers purporting to bear date June 2, 1911, and to be signed by F. B. Johnstone and others.

Although our firm has had no previous acquaintance of any kind with the matter in controversy, and although this lack of acquaintance is manifestly somewhat to the disadvantage of Mr. Hines, he feels, as do his general counsel, that it best accords with the proprieties of the situation for him to be represented in this matter by counsel who are members of the Union League Club.

We accordingly advise you that we shall appear for Mr. Hines in connection with any hearing before the Board of Managers. We beg, however, to suggest with all respect to the members of the Board of Managers, that the pendency of a formal investigation by a committee of the United States Senate of the precise matter which appears to be the subject of inquiry by the board, ought to be deemed a compelling reason for the Board's deferring its consideration.

As has been stated to your board, Mr. Hines is prepared to proceed with the hearing on January 2, 1912, or at any other time the Board may fix. However, the reasons for the postponement seem to us to be of such weight and importance that we desire to submit them in detail to your Board, and we shall do so by a separate letter within the next two or three days.

Very truly yours,

DEFREES, BUCKINGHAM, RITTER, CAMPBELL & EATON,
By Marquis Eaton.

On the 26th of December, 1911, Mr. Eaton sent another letter to the Board, as follows:

EDWARD HINES TO THE U. L. CLUB

DECEMBER 26, 1911.

Mr. Walter D. Herrick,
Secretary Union League Club,
Chicago.

Dear Sir: *In the matter of the inquiry by the Board of Managers of the Union League Club with respect to certain charges against Edward Hines.*

In accordance with our letter of December 22nd, we beg to submit to the Board of Managers the following suggestions in support of our request for a continuance of the hearing in the above matter.

The alleged conversation between Edward Hines and Clarence S. Funk referred to in your letter of December 20th, addressed to Mr. Hines has been since June 20th, 1911, the subject of most searching inquiry by a committee of the United States Senate, composed of Senators Dillingham, Gamble, Jones, Kenyon, Johnston, Fletcher, Kern and Lea.

This inquiry has been conducted under a resolution of the United States Senate adopted June 7th, 1911. In pursuing the inquiry the Committee has had the assistance of most able counsel, who, with the approval of the Committee, has made it a matter of record in that proceeding that he considered it his duty to get in touch with any man "who pretends to know anything about" the matter under inquiry.

It is a matter of common knowledge that the investigation by the Dillingham Committee was inspired by the report of the special Investigating Committee appointed by the Senate of the State of Illinois, known as the "Helm Committee." The charges under consideration by the Board of Managers of the Union League Club on their face relate to the same report. When these charges were filed under date of June 2nd, 1911, they stood of record without formal answer; since that time sworn answer, definite to the least detail, has been made by Edward Hines in his examination before the Dillingham Committee. This Committee has conducted its examination of all witnesses under oath, and every witness, whose information could have any possible bearing in the developing of the facts with reference to the conversation at the Union League Club, has been searchingly examined.

It had been supposed that the Dillingham Committee would conclude its hearing before January 1st, 1912, but

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this was found to be impracticable, and the Committee will, on January 8th, 1912, resume at Washington its sessions for the purpose of examining Senator Lorimer, and such other witnesses as the Committee shall itself designate.

Mr. Hines has been notified that his presence in Washington during the final session of the Committee is required by the Committee, and in obedience thereto he has arranged to be in Washington for conference with counsel a few days prior to January 8th, and he will remain there until the Committee releases him.

The investigation at Washington is judicial in its character. The Senatorial Committee has taken jurisdiction of the entire subject matter. So far from excusing Mr. Hines from further attendance, it has indicated that it desires him to be on call until its final session. Without doubt it will make a formal finding of fact with respect to the identical matter under consideration by your Board of Managers. While this finding might not be deemed controlling in the disposition of the charges, so far as the Club is concerned, it appears to us that *fair consideration to Mr. Hines, as well as reasonable courtesy to the Senatorial Committee demands postponement of the Club inquiry until the deliberations of the Dillingham Committee (and the consequent obligation of Mr. Hines to that Committee) are concluded.*

If the matter is called for hearing by the Board of Managers on January 2nd, as your letter of December 20th indicates, we shall appear for Mr. Hines and urge with earnestness and candor the postponement of the hearing. As counsel in the matter, we take full responsibility for advising that Mr. Hines' request and urge the propriety of a postponement, and with the indulgence of the Board we shall orally amplify at that time the suggestions made herein.

Mr. Hines will personally attend before the Board on January 2nd, and will testify if the Board of Managers insist, against our objection made on his behalf, that the inquiry proceed at that time.

Very respectfully,

DEFREES, BUCKINGHAM, RITTER, CAMPBELL & EATON,
By Marquis Eaton.

Again, on Jan. 2 when we appeared before the Board in

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accordance with the notice from the Secretary informing me that the hearing would commence on that date, Mr. Eaton informed the Board that I was already under summons to appear before the United States Senate Committee, and urged the Board to consider that the Dillingham Committee was investigating these matters, and that the matter sought to be inquired into should be reserved for presentation to that Committee, that I had been so advised by my general counsel, that there was no emergency existing which required the Board to proceed while the Dillingham Committee was investigating, and that I should not be put under the pressure of having to answer both to the Board and the United States Senate Committee.

SUSPICIOUS HASTE OF THE BOARD

What was the occasion for haste by the directors? They had waited from June 2 to Nov. 13 without taking any steps, and the time then passed until Jan. 2, and during these periods the Dillingham Committee was pursuing its investigation assiduously and had nearly completed the same. That Senatorial Committee had ample power to compel the attendance of witnesses from all parts of the country, and to put these witnesses under oath to get at the facts, and its investigation, which was practically completed at that time, was of the most extensive and thorough character. The Dillingham Committee was exercising judicial functions, and its findings in these matters would be in a sense judicially authoritative.

On the other hand, the Board of Directors of the Union League Club had no such powers or authority. They could not compel the attendance of a single witness from anywhere, not even in the City of Chicago. They had no power to administer an oath to a witness nor could I compel the attendance of any witnesses before the Board on my behalf. As you will see later, I did have to bring many witnesses from outside the State and from as far away as Washington and Baltimore, and I had to defray the expense of securing their attendance. All this placed an unnecessary burden upon me, to say nothing of my own loss of time and expense for the

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services of counsel. No harm could come from the Board waiting a little longer and getting the decision of the Senate Committee. Despite all this, the Board refused to wait and compelled me to proceed. But for the circumstances which I have set forth, I should not have objected to going ahead and would have been perfectly willing to do so. Under those conditions the Board's action was grossly unjust to me.

Prior to the beginning of the hearings certain members of the Board came to me and asked me to resign. I unhesitatingly refused. I construed this request to mean that those making it had been misled into assuming that I was guilty as charged. I was so sure of my case, so certain that the evidence at my command could not be questioned that I was eager to present it to my fellow club members, never doubting for an instant that it would result in a speedy and unanimous acquittal, and relieve me of suspicion in the minds of my fellow members. *I realize now that those who asked me to tender my resignation desired, not to spare me, but to evade the personal responsibility of decreeing my expulsion.*

The hearings proceeded. The Board admitted a great mass of improper and frivolous evidence against me and pure hearsay testimony, which I am advised is not proper evidence. It allowed Funk and his counsel free reign in introducing any kind of testimony that they desired, whether it was proper or not. The Board raised and permitted to be raised questions which compelled me, with scarcely any notice or time to do so, to procure witnesses from various distant points of the country with reference to facts which the Board at one time conceded to be true, and later pretended to doubt and arbitrarily opened up again.

MANIFEST BIAS OF THE BOARD

In fact, certain members of the Board, from the very beginning until the end of the hearing, manifested distinct unfriendliness to me personally and maintained an antagonistic attitude towards my side of the case, including witnesses for me. Even when Funk's lawyers had cross-examined me and my

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witnesses all that they could, certain members of the Board then undertook to cross-examine *further* in the evident effort to discover something unfavorable to me. Their antagonistic spirit was markedly apparent.

On the other hand, their attitude toward Funk and his witnesses was friendly and *noticeably favorable!* Many of the questions put and the comments made by certain members clearly indicated that they had *prejudged* my case and were eagerly seeking a pretext to support a determination against me *which they had already made!* All the way through, it was quite evident to my mind, and I think will be to yours when you have read this statement of facts, that my expulsion was *predetermined* by certain members of the Board, and that they carried out their program. In pursuance of that program, after apparently letting the matter drop on account of the pendency of the Senate Committee proceedings, they, *without any notice* to me, secretly invited Funk to appear and give his testimony in the absence of myself, the accused person! This, I claim, was in violation of all principles of fairness to me, and showed a deliberate intention on the part of those members to forestall the evidence on my side.

Whatever may be said of the method of conducting such proceedings in a Club, the least that can be truthfully said is that the Board should be *fair*, and that it should be just as *careful as a court* to protect the rights of *one* fellow member as those of any *other*. The best interests of the Club, to say nothing of *common decency*, would require that.

But all through the hearing it was noticeable that certain members took it for granted from the beginning that I was guilty of something, and the burden was placed upon me to prove myself innocent! This was a complete reversal of the doctrine which everybody understands, that a man is *presumed innocent* until he is *proved* guilty.

MY TRUE RELATION TO THE SENATORIAL ELECTION

I never, directly or indirectly, contributed, nor did any company in which I am interested, contribute a dollar to any fund

to aid in the election of Senator Lorimer, nor did I solicit any contribution to such a fund, nor did any such fund ever exist to my knowledge!

I was not in the city of Springfield, Illinois, at the time of nor for five years before that Senatorial election!

Some weeks before Mr. Lorimer had been mentioned as a candidate for the Senate, I was in Washington. I was in the lumber business and naturally interested in the tariff on lumber. By reason of this I was at different times before committees of the Senate and House of Representatives, and thus came in contact with the members of those committees, amongst others, Senators Aldrich and Penrose. What is known as the Senatorial deadlock at Springfield occurred, and "Administration" Republicans at Washington became anxious to have that deadlock broken. Both Senator Aldrich and Senator Penrose spoke to me upon that subject, showing a desire—in case Senator Hopkins could not be elected—that the Republicans of the Illinois Legislature should find some man upon whom they could unite and elect; and it was desired that I exert myself towards securing such a result. I suggested at different times the names of ex-Congressman Boutell and Mr. A. C. Bartlett, both of Chicago, but it was learned that they would probably not be available.

THE SENATORIAL DEADLOCK

The deadlock in Springfield continued. The anxiety to have it broken increased as the time for consideration of the tariff approached, and it was suggested that I ascertain from Senator Lorimer whether he would become a candidate. I communicated with him, but he declined. Later, the suggestion was again made and efforts were renewed to have him announce himself as a candidate, but while he refused to so announce himself, the belief was becoming general that he would become a candidate. What followed in Washington was testified to by myself, Senators Penrose and Aldrich before the Dillingham Committee. I testified:

About May 18 or 20 Mr. Aldrich sent for me again and

said that the conditions in Illinois indicated that no Senator would be elected, and the Legislature would end in a deadlock; and either from what he had heard from some source, or upon his own idea—I do not know which—he said that it seemed to him that Congressman Lorimer could be elected from that State. He wanted to know if I would see or telephone Congressman Lorimer and urge upon him, if it was a possibility, to become a candidate, or assist in electing some Republican at the earliest date possible. That conversation occurred in his office. The next day or two afterward he telephoned me to meet him at his house in the evening.

I went there by appointment and he left word that he was called suddenly to a night session of the Senate Finance Committee, down in the rooms of this building, and for me to come there. I went down in the evening a little after 9 o'clock and waited until he got through. I should judge it was somewhere close to 10 o'clock. Then he came out from the Finance Committee room and told me he had sent for me to discuss the Illinois situation. He said: "I should like to have you go to the White House this evening with me and discuss with the President the Illinois situation." * * * He finally telephoned the President, in my presence, and asked if he could see him if he went there at that time. This was half-past ten. I remember distinctly his stating: "It is now half-past ten; if I come up now can I see you for a talk on an important matter?" He did not mention the subject. I do not know what the reply was, but when he got through he said that the President was practically through with his—I think he said his appointments, and that he was free to see him; and he asked me to go to the White House with him. I replied and stated that I felt that it would be better if I did not go to the White House with him. I said: "Possibly the President might be somewhat embarrassed to talk over the situation with me, and I think it would be better if I do not go to the White House and you go alone." He replied, urging me to go with him. Finally, upon my stating again my thought that it would be better if I did not go, he said: "All right, you come to my house and wait until I get back from the White House." He and I went up to his house in his car and I waited there until some time about 12 o'clock, when he returned. When he returned he told me he had had a long talk with the Presi-

dent about the situation. * * * He said that the administration was very anxious to have a Senator elected before the Legislature adjourned, and that they felt that Congressman Lorimer might be elected Senator, and they wished to have me emphasize to him the importance—if there was a possibility of it—of his becoming a candidate and doing all he could to be elected at the earliest possible moment.

I asked Senator Aldrich what I could do in the matter. He said: "I would like to have you go to a long distance telephone and call up Congressman Lorimer at Springfield and emphasize that fact." I said, "Supposing that the Congressman would like to have that confirmed in a letter or telegram? Am I authorized to do that?" He said: "You are; and you can state further that if the Governor or any of the leading people at Springfield question this authority they can telegraph me or Senator Penrose, and, if necessary, the President."

I went from his house to the Willard Hotel, some time after 12 o'clock at night, and called Congressman Lorimer at Springfield over the long distance telephone. I said: "Mr. Lorimer, I have just returned from Senator Aldrich's house. He has just come from the White House. The President and he are very anxious to have you become a candidate, and think you could be elected. They will do all they can to assist. What can they do?" I can not quote the exact words he replied, but he seemed to be somewhat surprised over the mention of the President's name. I said: "There is no question about the matter, because I have just come from Senator Aldrich's house, and he has just come from the President."

Mr. Lorimer said: "Mr. Hines, could you have Senator Aldrich send me a telegram confirming this?" He says: "I might want to show that to the Governor or a few intimate"—I think he said "friends," or he might have used some other term; but I understood it as meaning the Governor and two or three other people. I told him that I was authorized to send that telegram. He said: "Please send it." I said: "Will you become a candidate? What are your prospects?" He said: "At this time I can not say. After the telegram I will give the matter consideration." I immediately sent the telegram.

TESTIMONY OF SENATOR PENROSE

Senator Penrose testified before the Dillingham Committee (p. 1791) that he met me during the tariff discussion and the meetings of the committee concerning the duty on lumber; that he was much interested in my views and saw me frequently; that he discussed with me the Illinois Senatorial election (p. 1792). Here is the gist of the testimony of Senator Penrose:

Aside from Mr. Hopkins, the names of Mr. Lowden and Mr. Boutell were mentioned; "Mr. Hines seemed to favor Mr. Boutell"; but afterwards said it did not appear that a union could be made on him; (1793) and "then within a little while it was suggested that Congressman Lorimer might be the man. * * * ." Mr. Hines said that Mr. Lorimer was so engaged in his waterways project that it was doubtful whether he could be induced to go into the contest, that he certainly did not want to go to the Senate. "I probably urged Mr. Hines, as a citizen of Chicago, to use his best efforts to bring about some result"; that it was desirable to have the senatorial seat filled; (1794) "Mr. Hines impressed me simply as being interested in the matter as a *business man* and a *citizen who had the welfare of the Republican party at heart and of the American government*. I did not look on him as a person who was active in politics or particularly identified with politics." In April, I think, I sent for Mr. Hines and asked him to find out whether the Illinois Legislature was liable to adjourn without electing a Senator. Mr. Hines reported to me from time to time, as I met him on the tariff legislation, as to conditions in Illinois. I may have gone with him to Senator Aldrich's room, and probably did when the senatorial matter might have been discussed. "I think Senator Aldrich felt very much as I did about the general proposition, that the senatorial vacancy ought to be filled for the good of the government." (1795) I think Mr. Hines said something to me to the effect that he might call upon me to verify in some way with the citizens the interest which I and Senator Aldrich and President Taft had in this situation, something of that kind. Under the circumstances, I would have been willing to indicate a strong wish for Mr. Lorimer's selection. In the month of May, 1909, shortly before the election of

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Mr. Lorimer, I think Mr. Hines went to Chicago with the thought that he could state, certainly so far as I was concerned, that it was very desirable to have the vacancy filled. I was for Mr. Lorimer at the last.

On page 1796 the Senator tells how he figured it, and that his endorsement of Mr. Lorimer would assist in the matter. "I have been in Senator Aldrich's committee room with Mr. Hines, and talked over the * * * senatorial matters. (1797) I think that Senator Aldrich occupied pretty nearly the same position that I did. He wanted to see the seat filled."

Q. (1798) "And you either said, or gave Mr. Hines to understand, that if anybody in Illinois wanted to refer to you, as to your feeling or disposition as to the election of Mr. Lorimer as Senator, that it might be done?"

SENATOR PENROSE: "That they could telephone me, see me, or write me."

"I early became impressed with Mr. Hines as a bright, active business man, with a vast experience of conditions all over the country, and I conceived the idea that his interest in the transaction was entirely for the *good of the government* and of the general proposition. *I never received the impression that he had any candidate, or any political scheme to work out.*"

Q. "There was no secret about your position on any of those questions, or as to Mr. Lorimer's candidacy, or your desire to have him elected?"

SENATOR PENROSE: "Not at all."

(1801) (1802) "I will say for Mr. Hines, that I think that from the suggestions made to him by me and others he acquired a *bona fide* and *disinterested* wish to have this vacancy filled for the *good of the Republican party and of the government.*"

Senator Penrose speaks the exact truth when he declared that the slight interest I took in the matter was inspired by himself, Senator Aldrich and others who suggested that I might be instrumental in breaking the deadlock and filling the vacancy with any good Republican.

TESTIMONY OF SENATOR ALDRICH

Senator Aldrich confirmed this truth absolutely in his testimony before the Dillingham Committee. The Funk prosecu-

tion harped constantly on the fact that there were slight variations between the recollections of Senator Aldrich and myself concerning the exact attitude of President Taft, but no fair man can read his testimony without knowing that I was authorized to undertake a perfectly legitimate mission, and that I executed it to the best of my ability. Here is a condensation of the salient points in the testimony of Senator Aldrich:

(1684) I had three or four conversations with Mr. Hines, with reference to the *President's attitude* more especially. The first conversation, I think, was early in April. He asked me what the attitude of the President was with reference to the senatorial election. I stated that the President was desirous that a Republican Senator should be elected in Illinois. (1649) Mr. Hines said there was an effort made to agree on *Mr. Boutell*, and asked if I would learn the President's attitude in regard to him. I reported to Mr. Hines afterwards that the President would be agreeable to Mr. Boutell's election. About the 20th or 21st or 22d of May, Mr. Hines said it was impossible to agree upon Mr. Boutell; that there was a prospect of agreeing upon Mr. Lorimer, and was anxious I should find out the attitude of the Administration towards *his* election. I saw Mr. Hines again and told him Mr. Lorimer's candidacy would not be objectionable to the President. Then Mr. Hines asked if I was willing to say that (1650) to any one he might suggest to inquire of me upon the subject, and I said that I was. The last part of this conversation was at my house. Mr. Hines said he was to leave for Chicago that day or the next, and it was important that he should know the President's precise attitude with reference to the subject. I told him that I was greatly interested in the election of a Republican in Illinois. (1651) I told him that the President's attitude was as I have stated, and if he needed any confirmation of that *he could refer any one to me*. I was satisfied with Mr. Lorimer as a Republican, and I believed the President was. (1653) I think in our conversation Governor Deneen's name was mentioned by Mr. Hines, not by me. My recollection is that Deneen was an important party to this arrangement upon a candidate, and his attitude would be more or less influenced by knowing whether it would be agreeable to the President. (1654) That is the impression I got as to

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his statement. (1661) Mr. Hines told me he was going to Chicago, and my understanding was he wanted this information as to the attitude regarding Mr. Lorimer before he went, and *I understood that he was to use the fact that there was no objection on the part of the President to Mr. Lorimer's candidacy. I said (1662) he was authorized to use it, and if anybody questioned it, that they be referred to me, and I would confirm it.* (1665) I assumed that Mr. Hines was going to Chicago or Springfield, as he said that he was going, and I knew that he was going to say to certain people in the Legislature, or people in Illinois, that Mr. Lorimer's election would not be objectionable to the President. There was no restriction upon the use of that information by Mr. Hines that would exclude him from saying that to Governor Deneen, *certainly not.*

Such is the sworn testimony of Senators Aldrich and Penrose, then the admitted leaders and spokesmen of the Republican Administration. But my defense and justification does not rest solely on their high prestige nor on the strict accuracy of their recollections of these conferences.

SOME CONVINCING TELEGRAMS

You should know and keep in mind that *I did not see Mr. Lorimer from the time he decided to become a candidate until after he had been elected Senator by the Legislature of Illinois.* My only communication with him was by long distance telephone or by the sending of telegrams. I presented to the Dillingham Committee the original copies of all these telegrams, and the official records of the time and duration of the telephone communications, and certified copies of these were presented to your Board in the recent hearings. Here is the telegram which confirms the fact that Senator Aldrich had authorized me to urge the candidacy of William Lorimer:

WASHINGTON, D. C., May 25, 1909.

William Lorimer, St. Nicholas Hotel, Springfield, Ill.

Aldrich authorizes Governor calling him up telephone confirm my message conference last night. Governor requested co-operate bring about result. Can bring message tomorrow.

EDWARD HINES.

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And I sent another telegram the same day as follows:

WASHINGTON, D. C., May 25, 1909.

William Lorimer, St. Nicholas Hotel, Springfield, Ill.

Leaving for Chicago today. Can go direct to Springfield. Bring message confirming conference held last night, showing highest authorities want you elected before Legislature adjourns. Important Republican party have strong, experienced man, friendly to powers that be, elected immediately. Needed here now. Telegraph answer quick, duplicate, care limited train, Harrisburg depot.

(Rec. 147-8.)

EDWARD HINES.

I did not receive a direct reply to that telegram from Mr. Lorimer. On my arrival in Chicago at 8:55 on the morning of May 26, 1909—the day William Lorimer was elected Senator—I was met at the railway station by C. F. Wiehe, my brother-in-law and business associate, and informed by him that Mr. Lorimer had telephoned from Springfield the evening before stating that it would not be necessary for me to come to Springfield and asking me to communicate with him by telephone immediately on my arrival.

This changed my plans. I had intended to make a quick connection and go on to Springfield and deliver my message to Governor Deneen and others whom I thought would be influenced by the views of the national Republican leaders in Washington. I deferred to the judgment of Mr. Lorimer, went directly to the offices of the Continental National Bank, immediately put in a long-distance telephone call for Congressman Lorimer, and, while waiting for the connection, sent the following telegram:

CONTINENTAL NATIONAL BANK,
CHICAGO, May 26, 1909.

William Lorimer, Esq., Springfield, Ill.

Just arrived. Trying to get you telephone. Aldrich, Penrose and higher authority—as telephoned you from Washington—want you elected. Authorized have governor (*and*) others call Washington (*to*) confirm this. (*I*) can be there tonight.

EDWARD HINES.

The words inserted in italics give the unmistakable purport of this telegram.

IMPORTANT TESTIMONY OF BANKER REYNOLDS

Prior to the sending of this telegram I had discussed the purport of my political mission with Mr. George M. Reynolds, then President of the Continental National Bank, and now President of the Continental & Commercial National Bank of Chicago. My judges in the Union League Club trial did not call on Mr. Reynolds for his testimony affirming the details and legitimacy of my mission, but it appears in the official records of the Dillingham Committee, and my attorney was permitted to read portions of it to your Board. I ask you to read the following extract from it, and to decide for yourself what motive then influenced me:

MR. REYNOLDS. Mr. Hines came to me that morning, as I think, directly from the train, and said he was the bearer of a message which would have an important bearing upon the situation in Illinois politics.

MR. HANEY. Did he say from whom the message was?

MR. REYNOLDS. Yes, he did. The message came directly as he stated to me, from Senator Aldrich. In the same conversation, however, he explained that the message in reality was coming from the administration, or from President Taft, through Senator Aldrich, and was to be delivered by him to Gov. Deneen.

MR. HANEY. What else did he say to you in that respect?

MR. REYNOLDS. He told me in substance that there had been a conference of some of the leading Senators in Washington upon the question of the election of a Senator in Illinois, there having been one vacancy at that time; and he stated that as a result of that conference he had been commissioned to take this message to Illinois, which, in effect, was that the leaders in the Senate, including the President, had expressed a desire to have a Senator elected before the adjournment of the Legislature in Illinois, and that after a consideration of the situation locally they had come to the conclusion that they could probably unite better upon Senator Lorimer (or, rather, upon Congressman Lorimer at that time) than upon anyone else; and *he stated to me that he had been commissioned to carry this message to Governor Deneen, to the effect that*

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they would much prefer to see Senator Lorimer elected than to have the Legislature adjourn without an election.

MR. HANEY. Did Mr. Hines say anything to you about how he was to communicate that to Governor Deneen, or how he wanted to convey that message to Governor Deneen from the President and the leaders in Washington?

MR. REYNOLDS. I do not think there was any specific discussion about that. He intimated, or rather indicated, that he had expected to go on to Springfield direct, but for some reason or other had been detained in Chicago, and that it would necessitate the message being sent by telephone. He said he did not know quite what was the best way to do it, and asked my advice. I said to him that he being the only party who could know anything about the details of the message itself, I thought he was the only man who could consistently undertake to do the telephoning. Thereupon he asked me if we had a public telephone there, and I told him there was a telephone in the room adjoining mine which he could use. * * * Mr. Hines left my office then and went into the adjoining room and was in the booth for some little time, I do not know how long. In the meantime people had begun to come in to transact their business; and after some time he came back to my office and said that *he had talked to Mr. Lorimer and had also talked to Governor Deneen.*

MR. HANEY. Was there anything said by you or Mr. Hines about the possibility of Governor Deneen not recognizing Mr. Hines' voice, either before Mr. Hines got the Governor or afterwards?

MR. REYNOLDS. I think Mr. Hines intimated before he went into the booth that in his proposed talk with Governor Deneen he might not recognize his voice, and he said: "I may have to bother you further to step to the phone and identify me."

MR. HANEY. But he did not call on you?

MR. REYNOLDS. He did not; no, sir

As President Reynolds says, I talked from the Bank with Congressman Lorimer and Governor Deneen, and related to him the purport of both conversations. Congressman Lorimer urged me to call Governor Deneen on the telephone and convey my message from Washington. I did so. The contemporary telegrams and other evidence show fully the character of my

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mission from Washington. The testimony of Senators Aldrich and Penrose, of George M. Reynolds and others of high standing confirms this so fully that no fair man can doubt my motives or criticize my acts.

I desired Congressman Lorimer to know that I had delivered my message to Governor Deneen. I therefore sent the following telegram from the Bank:

CHICAGO, May 26, 1909.

William Lorimer, Esq., Springfield, Ill.

Talked with Deneen over telephone; says not necessary my coming down; understands subject fully; glad I called him telephone; consider confidential.

(Charge Edward Hines.)

CHICAGO PARTY.

This and the other telegrams quoted were submitted to your Board of Directors. I accounted to them for practically every moment of my time from the late night conference in Washington with Senator Aldrich up to the hour when Senator Lorimer was elected—at which hour I was in the Union League Club, a fact not disputed by the prosecution. I submitted documentary evidence in proof of my every movement, and established my motives by the testimony of men whose veracity none dare call in question.

THE WIRT H. COOK EPISODE

While in the Bank I had been notified that Wirt H. Cook and William O'Brien were at the Grand Pacific Hotel, that they were anxious to leave the city on an early train, and that they desired to see me on a matter of considerable business importance. I was aware that the matter was of consequence, but I wished first to talk with Mr. Lorimer and again to urge him to take full advantage of the message I had conveyed to Governor Deneen. My office again notified me that Mr. Cook and Mr. O'Brien were waiting for me. I decided to meet them at the Grand Pacific at once, and instructed Miss Frances Carroll, our chief telephone operator, that I was going to the Grand Pacific at once, and to make connection with Mr. Cook's room when Congressman Lorimer responded to my call.

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The very fact that I made such an arrangement should be conclusive proof that my intended talk with Mr. Lorimer was on a legitimate subject. The business conference between Messrs. Cook, O'Brien, Wiehe, Baker and myself was in progress when the telephone bell rang. Mr. Cook responded and informed me that I was called.

Bear in mind that this was the forenoon of the day that Senator Lorimer was elected. Bear in mind that I had previously talked by telephone to Springfield with Governor Deneen and Congressman Lorimer. Bear in mind that Mr. George M. Reynolds was fully aware of the purport of these conversations, and that this purport is confirmed by telegrams.

I first recognized the voice of Miss Carroll. She said: "Here is Congressman Lorimer, in Springfield." I said: "Hello! Congressman! I have just talked with Governor Deneen and he said he would see you immediately." Mr. Lorimer replied: "He has already seen me." I said: "Now, if I can do any good I will come down on the afternoon train." He replied and told me not to come to Springfield until he telephoned me. He said: "If my name goes before the Legislature today you could not assist in any way by trying to come down here. If you can assist tomorrow, I will let you know late in the afternoon by telephone." I then urged him to make every effort to take full advantage of the fact that the Washington Administration was with him, and probably mentioned the name of Governor Deneen several times in that conversation.

MAGNIFYING A PETTY INCIDENT

More than a year passed when I learned that Cook was relating a pretended version of my talk to Springfield over the telephone in his room in the Grand Pacific Hotel. The so-called "White Confession" had, in the meantime, been made and there was a reaching out in every direction to get hold of anything which might throw light on the election of Senator Lorimer. I had nothing to fear personally from the part I had taken in that election, but I disliked to be called before a grand

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jury and forced to make public the fact that I had been the bearer of a message from Washington to Springfield, which I regarded in the nature of a confidential service.

The preposterous and admittedly false statements made by Cook need not be discussed here. They were not entertained before your Board of Directors, but I was charged with misconduct because I admitted before the Dillingham Committee that I had asked Mr. Wiehe, one night in the early summer of 1910, to go to the Grand Pacific Hotel and to ask Cook and O'Brien to cease their promiscuous talk about the conversation they had overheard in Cook's room in the hotel that forenoon of May 26, 1909. I did not know then what Cook was claiming, but I did know that I had conducted in his presence a telephone conversation in which party leaders were mentioned, and I did what I could to prevent Cook from dragging the names of Governor Deneen, Senator Aldrich and others into a partisan inquisition.

Certain members of your Board made a studied attempt to magnify this petty incident into a crime, but abandoned the effort when we asked that Cook be produced as a witness and subjected to cross-examination. Cook was such an effective witness against himself before the Dillingham Committee as to render it unnecessary to discuss any incident with which he was identified.

The facts thus far enumerated constitute my entire connection with the election of Senator Lorimer, and were presented and proved by unanswerable documentary evidence before the Board of Directors of the Union League Club. In a paragraph, my connection was as follows:

As a Republican I desired to see the Springfield deadlock broken by the selection of a Senator acceptable to the Administration. The Republican leaders in Washington honored me with their confidence and authorized me to carry to Springfield a message to the effect that Mr. Lorimer was acceptable as a candidate. I delivered this message by wire and by telephone from Chicago on the forenoon of the day that Mr. Lorimer was elected, and that was the only part I played in securing

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that result. In proof of the truth of these statements is the sworn word of such men as Senators Aldrich and Penrose, Governor Deneen, George M. Reynolds and a host of others.

FUNK AND HIS TALK TO ME AT THE UNION LEAGUE CLUB

Funk was the general manager of and stockholder in the corporation known as The International Harvester Company. Long before the Senatorial election that company wished to close up one branch of the Chicago River. In this it was opposed by numbers of property owners whose interests would be affected because of their business along that river. Mr. Lorimer, then Congressman, was opposed to the aims of the Harvester Company, and took the side of those who wished to keep the river open. This, of course, did not make that company, or its general manager, favorable to Mr. Lorimer's election as Senator, as in the latter position he would have still greater influence.

The fact that the Harvester company did not want Lorimer to be Senator was afterwards admitted by Funk when testifying before the Dillingham Committee, where he said that Mr. Lorimer would be more of an important factor regarding the opening or the closing of the river if he became Senator than as a member of the lower house; and before the Union League Club he said: "We were not *particularly* pleased with the result of the election." Of course when Mr. Lorimer was elected Senator "they" naturally felt that it was to their interest *to make it appear that they were friendly to him*, and no doubt Funk was quite anxious to place himself on good terms with the new Senator from Illinois.

The day after the election, I went to the Union League Club with Mr. Baker and Mr. Hall, two business associates, to meet Mr. Carney, a lumberman from the Northwest, who had come to Chicago to discuss a lumber deal of considerable importance, and who was registered on that day at the Auditorium Hotel in this city. Mr. Baker was our general buyer and Mr. Charles Hall was our Canadian buyer. An appointment had previously been made for us to meet at one o'clock at the Union League

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Club to discuss this business matter. When Mr. Baker, Mr. Hall and myself reached the Union League Club, we found Mr. Carney already there sitting on the long sofa in the northwest corner of the lounging room. We immediately began to discuss the business matter that brought us together, and while we were talking Mr. Funk interrupted us. Concerning this interruption I testified before the Board as follows: (Rec. 68.)

"I looked up and saw Mr. Funk approaching the couch, I should judge about seven or eight feet from where I was sitting, and as he came up towards me he smiled in a recognizing way, and having got within about five or six feet, I arose. He extended his hand and greeted me, and I took his hand and greeted him likewise. He opened up the conversation by stating that he was very glad indeed to hear that Mr. Lorimer had been elected Senator. I replied, stating that I was glad it pleased him; that I felt the Senator would prove a good man for the business interests. The next thing he stated was: 'I have never had the pleasure of meeting the Senator, and I would like very much indeed to have you arrange to introduce me to him.' I said it would afford me pleasure to do so. With that he walked south about six or seven feet towards the entrance as you go down the stairs towards Jackson boulevard. In a sort of familiar way he had me by the arm as we walked along, and just as we got to the end of the entrance or sort of a post there, he said to me: 'I suppose the Senator was put to more or less expense in his campaign, and it is hardly right that he should stand that, and the business interests ought to take that off his shoulders, and we would like to do our share.' I replied and said that I did not know anything about the matter, but I was going to see the Senator as soon as he returned from Springfield, and would let Mr. Funk know. I don't think I was away from these gentlemen over probably a minute or two minutes. I returned right to my seat. As I went and sat down, as a sort of apology or excuse for getting up, I said to Mr. Carney—as I recollect I said: 'That is Mr. Funk, the general manager of the International Harvester Company.' I said: 'He is a small man physically for a large position'—something of that sort, a complimentary remark at the time. We continued our conversation for

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fifteen or probably twenty minutes and then adjourned, and as I recollect it we went out of the Club house, and at the foot of the stairs Mr. Carney left us. I went over to the Continental National Bank on some business that day. Mr. Baker said he was going home; he had not been home for some time; and our party dispersed."

SOME UNIMPEACHABLE TESTIMONY

Fred Carney, Jr., Charles L. Hall and Isaac Baker gave their testimony before the Dillingham Committee. That testimony stood unimpeached after the prosecution had subjected them to a most rigid cross-examination. It was recognized that the tale told by Funk would fall unless doubt could be cast on the testimony given by Carney, Hall and Baker, but no fair man who heard them before the Dillingham Committee or before the Union League Club could doubt that they told the truth.

It would be difficult to select three men better fitted to typify the straightforward, modern American business man. For years these three men have been the active participants in great business transactions. Their responsibility has been great, the field of their operations has extended over a continent, they have come in contact with thousands of men, all of whom would, if necessary, testify to the high character and manliness of Fred Carney, Charles L. Hall and Isaac Baker.

The following extracts give the essence of the testimony of Fred Carney, Jr., before my judges in the Union League Club. Mr. Carney said:

I was to meet Mr. Hines at the Club at one o'clock. I went in and sat down on the lounge and waited till Mr. Hines came. With him were Mr. Baker and Mr. Hall, and we talked about our business. While sitting there talking a gentleman came, apparently from across the room to where we sat, and when he got within ten or fifteen feet of us I noticed a smile on his face, and Mr. Hines got up and stood three or four feet away and shook hands with him. They stood there talking a minute or two and walked away, and were gone two or three minutes. When Mr. Hines came back he said, "That is not a very heavy fellow for a man holding down a big job, is it?" I said, "No,

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sir. Who is he?" He said, "That is Mr. Funk, general manager of the International Harvester Company. He was just congratulating me on Lorimer's election." They went to where the arch is, toward the entrance. This was the 27th of May, 1909. The lounge is on the left as you come into the entrance. Four of us were sitting on the lounge.

Mr. Hall next testified :

I sat on the sofa with Messrs. Hines, Carney and Baker, discussing a lumber deal. It was interrupted by a gentleman coming up and speaking to Mr. Hines, saying to him: "How do you do, sir?" Mr. Hines got up and shook hands with him. They stood talking in front of us perhaps a minute or less, and the gentleman said to Mr. Hines: "I am glad Mr. Lorimer has been elected Senator." Mr. Hines said he was glad, and the other gentleman says: "I wish you would introduce me to Mr. Lorimer at your first opportunity; I never met the Senator." At that they walked away towards the door and stepped over towards the archway. I came to the Club with Mr. Hines and Mr. Baker, and Mr. Carney was there waiting for us. When Mr. Hines returned from talking with this gentleman he said: "That is Mr. Funk, general manager of the International Harvester Company. He is a small man physically (or words to that effect) for such a big job or position."

Mr. Baker said :

I was in the Club house on the 27th of May, 1909. Went there with Messrs. Hines and Hall, and found Mr. Carney there. We sat on the lounge on the left as you come in, and were talking about buying lumber from Mr. Carney. A gentleman came up and spoke to Mr. Hines, who got up and shook hands, and the gentleman says to Mr. Hines: "I see that Lorimer has been elected Senator." Mr. Hines replied: "Yes; I think he will make a good representative"; and I understood Mr. Funk to say he had never met the Senator and would like to be introduced to him. Then they walked off towards the exit. In a couple of minutes Mr. Hines came back and made the remark to Mr. Carney that there was a small man for a large position, or a large position for a small man, and that he was the general manager of the International Harvester Company, and re-

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marked about Mr. Funk being pleased because Mr. Lorimer was elected. There was some remark about that.

It is seen from the foregoing testimony that Funk *came over to me* where I was sitting on the lounge with these gentlemen, and that as I noticed him approaching with the evident purpose of greeting me, I arose and shook hands with him, and that we remained standing during our brief conversation at that place. *Funk did not sit down on the lounge at any time.*

FUNK'S CLAIMS

Notwithstanding the foregoing facts, thus fully established by competent evidence, Funk gives an entirely different version of the affair, but he has never related even the substance of the conversation in the same way to the various bodies before which he has appeared and testified. Before the Board of this Club he was asked to give his version of the conversation, and told it thus:

"I was standing in the lounging room one day, right after lunch, probably about two o'clock, and Mr. Hines approached me and shook hands with me cordially, remarking that I was just the fellow he wanted to see, and that he had been looking for. He said he wanted to talk to me a moment. *We then sat down on the large couch on the west wall*, and he seemed to be feeling quite exhilarated, and without any preliminaries he said: 'Well, we put Lorimer over down at Springfield. It cost \$100,000 to do it, and now we are seeing some of our friends to get it fixed up.' I did not do much of the talking; I let him talk. He seemed to want to talk and I listened. He went on to say that there were only a few what he termed 'large people' or 'big people' he cared to go to; that he thought about ten of the big people, if they would put up \$10,000 apiece, that would clean the thing up. I asked him why he came to us. I used the expression 'us,' meaning my company. And he said: 'Because you are as interested as any of us in having the right kind of a man at Washington.' I told him that I would not have anything to do with it. He undertook to argue the matter, and I got up and left him just that moment." (Rec. 19.)

In the giving of his latest version as above quoted he omitted

several features that he had incorporated in his testimony before the Helm and Dillingham Committees, which omissions are rather significant. Before the Helm Committee Funk's version of this same matter was:

" 'Well, we put Lorimer over *down at Springfield*, but it cost us about \$100,000 to do it.' Then he went on to say that they had to act quickly when the time came; that they had no chance to consult anyone beforehand. I think his words were, '*We had to act quickly when the time came, so we put up the money.*' Then he said, '*We—now we are seeing some of our friends so as to get it fixed up.*' " (Helm Com.)

Before the Dillingham Committee he swore as follows:

"He said, 'Well, we put Lorimer over *down at Springfield*, but it cost us \$100,000 to do it,' or 'About \$100,000.' Then he went on to explain that they *had to act quickly when the time came and did not have any time to consult anybody*, and he said, '*So we put up the money.* Now we are seeing some of our friends to get the matter fixed up.' " (545 Dill Com.)

FUNK CHANGES HIS TESTIMONY

You will notice that in relating the substance of this brief conversation Funk omitted before the Board three important features that he *emphasized* before both the Helm and the Dillingham Committees. These were that "*We had to act quickly when the time came;*" "*We did not have any time to consult anybody;*" "*So we put up the money.*" The significance of these omissions will be developed later on, and you will see that they were dropped by design, just as he radically changed (as you will see) the time of an alleged "second talk" after the introduction of my evidence in Washington. The omission of these matters was noticed at his secret hearing before the Board, and he was given an opportunity to supply them by questions that were specifically put to him by a member of the Board for that purpose, as follows:

Q. You gave this same testimony several times under oath, have you? A. I have twice.

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Q. Twice; when? A. Before the committee at Springfield, Illinois, and before the Lorimer Investigation at Washington.

Q. Have you had any occasion to change anything which you have stated under oath at those investigations in which you have made statements under oath? A. No.

Q. Did you have any conversation with him *that you have not related* on that occasion anywhere else, except on the couch? A. No, it all took place right there within about two minutes. (Rec. 23.)

Mr. Funk, however, in the light of the evidence as developed at Washington, did not care again to incorporate in his testimony these carefully omitted features. According to these features I was "down at Springfield," [which I was not] quickly putting up the money in an *emergency*, with "no chance to consult anyone beforehand." And not only that, but they directly contradict the claim of Funk's friends and the partisan newspapers that Senator Lorimer had produced the long deadlock in the Legislature for the very purpose of securing his own election and that he and his friends had been for months laying their plans to effect this very object.

Before the Helm Committee he also stated that after he had refused to contribute to this alleged fund "we had some aimless discussion back and forth, and I remember I asked him how much he was getting from his different friends." (Helm Committee.) Afterwards, before the Dillingham Committee, he converted this "aimless discussion" into an "argument" on my part and said that I "undertook to argue the matter." When, however, he was pressed to state what I said in "arguing the matter," Mr. Funk replied, "I cannot go into them in detail. In fact, *before he got himself started on the subject* I got up and departed." No such thing having occurred, Funk was unable on the spur of the moment to think of what he could put in my mouth in the line of argument, and, as he repeatedly did all through his examination when caught in a hole, he simply "hedged," and told the committee that *before I started to argue* he left. Neither logic nor consistency controls Funk.

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Before the Board Funk testified concerning the alleged use of Mr. Tilden's name in the conversation as follows:

Q. Mr. Funk, did Mr. Hines at that time at that meeting downstairs say whom this money was to be paid to?
A. *Yes, he seemed to assume* before he got through talking that we were going to send it, and he said: "Just send the money to Ed. Hines,"

Q. Who? A. I mean Ed. Tilden.

Q. Did you know Tilden? A. Never knew him.

* * * I knew of him. (Rec. 21.)

Before the Dillingham Committee Funk testified as follows about this same matter:

Q. How early in the conversation did he mention Mr. Tilden's name? A. I think he mentioned it in connection with the contribution of \$10,000 apiece. * * * He talked rapidly and rather assumed that the thing was going to be done, and he mentioned Tilden's name *before I had a chance to say anything*. (546 Dill. Com.)

Q. You had not had any opportunity to say anything to him before that? A. No. I let him talk. He wanted to talk, and I was willing to listen until he got through. (547 Dill Com.)

His testimony as above quoted was, as I have already shown, given at a hearing of the Board at which I was not present. At the next hearing of the Board the testimony of Funk as he had privately given it was carefully read over to him, and he was asked if he had "Any corrections to make in this statement, or anything to add to it." And he stated that he had no changes to make and nothing to add. Later, however, he did change, and you will see how he retracted and shifted his evidence from time to time and from point to point as he deemed the exigencies of the case demanded.

IS FUNK'S CLAIM BELIEVABLE?

Funk's statement stands alone absolutely unsupported by corroboration. He gives several versions of this "two minute conversation," as he described it, but in all his versions he has

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maintained that "*the entire conversation took place upon the couch,*" and that we parted there at the couch. This couch is the large one along the northwest wall of the lounging room. You are no doubt familiar with its location. I have shown, not merely by my own testimony, but by the testimony of Messrs. Carney, Baker and Hall, that we four men were sitting on that very couch at the time discussing a business deal. *Funk does not deny that these men were on the couch at that time.* He was questioned specifically about this at the hearing of the Board, as follows:

Q. At the time this conversation took place in the Club, did you observe anybody standing near you or near Mr. Hines, or did Mr. Hines appear to have any conversation with other people, or did he have other people that appeared to be friends of his?

A. *He might have, I couldn't say as to that.* * * *

Q. Were there any other people on that same couch, sitting on the same couch there?

A. I don't think there was. *I don't recall.* (Rec. 23).

This is as positive and definite a statement as Funk could ever be induced to make in my favor at any of the hearings. It was at all times like *drawing teeth* to get from him an admission which he recognized at the time as being favorable to me. And you may rest assured when he took refuge behind the statement: "I don't recall," that he had a distinct recollection Messrs. Carney, Hall and Baker were there. If Funk's statement be true that the entire conversation took place on the couch, these three men would have heard the "entire" conversation as well as myself, and would have so testified. If that were the fact, it is manifest that it would have been a distinct advantage to me, because I would have had corroboration of *everything* that was said between Funk and myself.

Funk had given his version *twice* before my witnesses and I were called upon to testify before the Dillingham Committee, and we therefore gave our testimony with full knowledge of Funk's claim concerning where the conversation occurred, and with a full understanding of the benefit that would have

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accrued to me if that entire conversation had taken place on the couch. But I knew it was not the fact, and Mr. Carney and Mr. Baker and Mr. Hall likewise knew that it was not the fact.

I knew that there was nothing in the facts that would in any manner reflect upon my honesty and integrity, and that those happenings should be presented to the committee exactly as they occurred—and they were. The three gentlemen who were with me on that occasion would not for a moment have tolerated a suggestion from any source to testify save from their memory and knowledge of the facts.

If Funk's statements were true, the entire conversation necessarily occurred in the presence and hearing of these three men who were there on the couch with me. The four of us swear that Funk did not sit down on the couch, and that no conversation whatever between the two of us took place upon the couch. I arose as he approached me, and we stood standing there as he expressed his pleasure over the election of Mr. Lorimer and asked for an introduction to him. Messrs. Carney, Hall and Baker heard this part of our conversation as testified to by them.

If Funk was so absolutely in error about where the conversation took place—as the evidence conclusively shows that he was—would you not say (even if there were no other evidence to show it) that he was equally wrong about the conversation itself? Funk's unsupported word is manifestly outweighed by the evidence of three witnesses (excluding myself) whose reputations for truth and probity of character have not been and cannot be assailed.

FUNK'S IMPOSSIBLE STORY

But aside from this direct contradiction of Funk by living witnesses, the inherent improbabilities of his claim make it unbelievable to any fair-minded man. Funk, in the various statements that he had made at different times and before different bodies, said in effect that while he knew me, yet I was a comparative stranger to him. On one occasion he

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testified that he never had any dealings with me but once, and that was years before this alleged talk.

Before one committee, he swore that I had no reason to believe that he or his company was friendly to Senator Lorimer or would be likely to contribute to his election, and yet he claims that when we met in the Union League Club on the occasion referred to, I, a comparative stranger, at once and without any preliminaries plunged into a proposition to have him corruptly contribute to the expenses of the election of a man to whom he was not friendly, and that *I assumed, as a matter of course, that he or his unfriendly company would make the contribution*, and immediately told him to send it to Mr. Tilden! Can you conceive of anything more improbable? Would any sane man under the circumstances assume as a matter of course that Funk and his company, who were not friendly to Lorimer's election, would contribute a large sum of money, and, without any expression whatever on Funk's part, immediately tell him the name of the man who was to receive the fund, and request Funk to send the assumed contribution to that man?

Mr. Tilden testified that he never heard of such a fund, and if Funk had sent him a check as a contribution he would not have known what it was for! (Rec. 295.) The insinuation that Mr. Edward Tilden had anything to do with the alleged fund was thoroughly investigated by the United States Senate Committee and found to be baseless. Would I be such a fool as to assume that Funk and his company would send a contribution to a man who would not have known what it was for if he had received it?

The improbability of this feature of Funk's story no doubt suggested the following questions put to him by the attorney for the Dillingham Committee:

MR. MARBLE: Have you any reason other than this conversation with Mr. Hines to associate Mr. Tilden with this transaction?

MR. FUNK: *Not up to that time.*

MR. MARBLE: Have you any now?

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MR. FUNK: No—nothing more definite than the fact that *I have noticed here at Washington that the gentlemen seem to be friendly* and together more or less, which would probably *indicate* that they were well acquainted.

MR. MARBLE: You mean that you have seen Mr. Tilden and Mr. Hines together here in Washington?

MR. FUNK: I have noticed them about considerably.

MR. MARBLE: That is all. Have you *any other* reason to associate Mr. Tilden with this matter?

MR. FUNK: No. (555 Dill.)

On cross examination he was sifted as to the extent of this association to which he thus tried to attach significance, and after specific questioning he said:

“I think I have seen them (Mr. Tilden and Mr. Hines) here *once or twice*.”

MR. HYNES: Do you mean in the witness room?

MR. FUNK: It may have been in the hall or on the sidewalk.

MR. HYNES: That is what you meant by that association?

MR. FUNK: Yes; I had no—it did not impress me as being anything that was entitled to or had any particular significance.

MR. HYNES: Well, you volunteered the statement.

MR. FUNK: It just came out as a passing observation.

MR. HYNES: *Yes; a passing temptation.*

(614 Dill. Com.)

It goes without saying that when he made that reply to Mr. Marble, “*Not up to that time*,” he meant to convey the impression that other reasons developed *after* that time. And when he was pressed with the next question, he gave that alleged association as the “other reason,” and it was only when he discovered how silly this “other reason” appeared to the committee as well as to everybody else that he pursued his usual tactics of “hedging.”

Is anything further required to indicate the mental attitude of this man and his eagerness to draw unjust inference and give improper color to trivial and innocent occurrences? Mr. Tilden, like myself and others, was at the time in attendance at the sessions of the Dillingham Committee as a witness.

FUNK VERSUS KOHLSAAT

But Mr. Tilden's name was not the only one that Funk mentioned in connection with this matter. Mr. Kohlsaats swore before the Dillingham Committee that besides the name of Edward Tilden, Funk gave to him the names of Mr. E. F. Conway, Mr. F. Weyerhaeuser, Mr. Roger Sullivan, and of a man then dead. (436 Dill. Com.) Mr. Kohlsaats also testified that he gave these names to Mr. Healy, the attorney for the Helm Committee, one night when Healy came to his office and asked him if he could give him any information in regard to the matter, and that Mr. Conway was called as a witness before the Helm Investigating Committee and there denied all knowledge of the matter; and Mr. Kohlsaats added, "I wish to say that I have no doubt but that he (Conway) told the truth." (437 Dill. Com.) Funk, however, contradicted Kohlsaats in this regard and swore that the names of these gentlemen were not mentioned by him, and that he knew nothing that would justify bringing those names into the matter. (546, 554, 555 Dill. Com.) During the course of his examination before the Dillingham Committee the following occurred:

MR. MARBLE: You say you did not repeat Mr. Tilden's name or Mr. Hines' name or Mr. Weyerhaeuser's name or Mr. Conway's name in that connection (referring to his conversation with Kohlsaats)?

MR. FUNK: I did not repeat Mr. Weyerhaeuser's name, to the best of my recollection, nor any other name, except Mr. Hines'.

MR. MARBLE: Do you think that on the occasion of the first conversation with Mr. Kohlsaats you mentioned Mr. Hines' name?

MR. FUNK: I can not say whether it was the first conversation or the second. I am inclined to think it was the second. (The two conversations were several days apart.) (554 Dill. Com.)

MR. MARBLE: On one or the other of the occasions you did mention Mr. Hines' name?

MR. FUNK: Yes. (555 Dill. Com.)

MR. MARBLE: What do you say to the mentioning of Mr. Tilden's name on one occasion or the other?

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MR. FUNK: I do not remember whether I mentioned Tilden's name on either occasion. (555 Dill. Com.)

If Kohlsaas told the truth in this regard, Funk did not. I believe that Funk did on that occasion mention all these names for the purpose of impressing Kohlsaas with his "inside knowledge of affairs," never dreaming at the time that he would be called upon before any investigating body to re-affirm his false statement then made to Kohlsaas. But when he found that an investigation had been started and that everybody whose name was connected with the alleged transaction would be called upon to testify, Funk realized that it would not do to increase the number of witnesses against him by connecting too many names with the alleged transaction, and therefore dropped the names of Conway, Sullivan, Weyerhaeuser and "the man who since died," even though by so doing he was obliged to contradict his friend Kohlsaas under oath.

However, Messrs. Conway and Sullivan were called before the Dillingham Committee while that Committee was holding a session at Chicago, and testified that they never heard of any such fund as Funk mentioned, nor of any contribution thereto. (603 Dill. Com.)

But this is not the only time that Mr. Kohlsaas was forced to contradict the allegations of his friend Funk. In fact, if you were to read the official testimony in this case as contained in the records of the Dillingham Committee, you would learn that even Funk's closest friends and associates contradict practically every positive statement he makes. Funk told the Dillingham Committee this: (Page 554, Dill.)

MR. MARBLE: Did you press any information on him?
(Meaning H. H. Kohlsaas)

MR. FUNK: No, he pumped it out of me.

This would lead one to infer that Mr. Kohlsaas obtained his first hint of this falsehood from some source other than Funk, and that the editor laboriously "pumped" the alleged details out of Funk. Let's see what Kohlsaas has to say on this point. He addressed a letter to Senator Root on January

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17, 1911, which was "pumped" out of Kohlsaas by the Dillingham Committee. In that letter Kohlsaas thus enlightens Senator Root concerning the manner in which the falsehood first became known to him:

"Some time last June I met a friend (Funk), who is general manager of a Chicago corporation with a capital of over \$25,000,000. He said: '*I have been intending to call on you for some days to tell you of an incident that occurred right after Lorimer's election.*'"

Mr. Kohlsaas poses as the exemplar of truth. What motive could he have had in telling an untruth to Senator Root? The language in the above letter is plain. It states positively that Funk approached Kohlsaas, and repudiates Funk's claim that the editor "pumped" the information out of him. Who told the truth—Funk or Kohlsaas?

FUNK VERSUS McCORMICK

But Funk not only contradicted Kohlsaas before the Dillingham Committee; he even contradicted his superior officer, Mr. McCormick, the President of the International Harvester Company, an illustration of which is to be found in the following:

MR. MARBLE: Have you been engaged in work before State legislatures on behalf of the International Harvester Company?

MR. FUNK: No. (529 Dill. Com.)

Mr. McCormick, however, when he was testifying before the Committee, directly says to the contrary, as shown by the following:

SENATOR KERN: Did you ever have a person who was *authorized to go before the Legislature and Congress* to look after your interests?

MR. McCORMICK: Mr. Bancroft, the general counsel, does that himself; and Mr. Funk as the general manager; or myself as President.

SENATOR KERN: Does Mr. Funk pay any attention to legislative matters, that you know of?

MR. MCCORMICK: *He does.* (22 Dill. Com.)

Who told the truth—Cyrus McCormick or Clarence S. Funk?

Many other glaring contradictions between the testimony of Funk on the one hand and that of McCormick, Kohlsaas and Bancroft on the other hand, in relation to their conversations with Funk, as well as repeated contradictions of Funk by Funk himself, appear from the record of the proceedings of every investigating committee or body before whom Funk testified; but to undertake to cite them all here would extend this booklet into a voluminous record.

One of the numerous illustrations of the untrustworthiness of Funk's statements (even when under oath) is found in his testimony before the Dillingham Committee that "He (Hines) was very active down at Springfield pulling wires for the election of Senator Lorimer." When specifically questioned in regard to this remarkable statement he said, "*I have a very distinct recollection that he (Hines) was down there and he was very busy there.*" He also said it was the *common talk* that I was down there and that that fact appeared more or less in all of the newspapers both *before and after* the election of Lorimer, and that I was "very active down there in soliciting men to support the Senator." (595 Dill. Com.)

A PALPABLE FALSEHOOD

This was absolutely false. I was not in Springfield at the time of the election, nor for five years before that time, nor after the election until March, 1911 (when I appeared before the Helm Committee), nearly two years after the election, and no newspaper ever printed a line to the effect that I was in Springfield or connected me at that time in any way with the election of Senator Lorimer. This was shown before the Dillingham Committee and also before the Union League Club Board, by undisputed and conclusive evidence.

This palpable falsehood on the part of Funk is very significant when taken in connection with the rest of his story. Funk testified before the Helm and Dillingham Committees, that I said to him, "Well, we put Lorimer over *down at Springfield*";

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that "we had to *act quickly, when the time came;*" and that "we had no chance to consult any one before hand." This sworn testimony of Funk shows that it was based upon the supposition that I had been down to Springfield and was there on the ground at and immediately preceding the election of Senator Lorimer and actually took part down there in that election. *Funk took it for granted that I was in Springfield, and fabricated his impossible story upon that theory.*

When Funk was before the Dillingham Committee several of the Senators could not understand—if he really had such knowledge as he then claimed to have—why he did not appear before the Burrows Committee when it was sitting right across the street from his office in Chicago, and lay the matter before that committee; and the reason that Funk finally gave why he did not do so was the fanciful one that he possessed the knowledge as an officer of the International Harvester Company and not as an individual; *and that he weighed his duty to his company against his duty as a citizen and decided in favor of the company!* This showed the exalted character of the citizenship of Clarence S. Funk!

FUNK'S WRONG TO THE UNION LEAGUE CLUB

The charge against me before the Union League Club was that I held a certain interview within its walls with Clarence S. Funk. According to his version of that interview I made a criminal proposition to him. What was his plain duty under the alleged circumstances? *It was his duty as a citizen and his obligation as a member of an honorable organization immediately to denounce and expose me.* Did he do this? No.

What was his attitude according to his own testimony? He has repeatedly testified that he did not consider my alleged proposition a violation of the rules or principles of the Union League Club. What do you think of a man who has *that* conception of the lofty principles thus set forth in your Articles of Association:

"The condition of membership shall be absolute and unqualified loyalty to the Government of the United

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States," and "that the primary objects of this Association shall be:

"(1) To encourage and promote by moral, social and political influence, unconditional loyalty to the Federal Government, and to defend and protect the integrity and perpetuity of this Nation.

"(2) To inculcate a higher appreciation of the value and sacred obligations of American citizenship. . . . and to aid in the enforcement of all laws enacted to preserve the purity of the ballot box.

"(3) To resist and oppose corruption and promote economy in office, and to secure honesty and efficiency in the administration of National, State and Municipal affairs."

It makes no difference whether you accept what Funk says as true or if you reject it as false—he stands condemned out of his own mouth as recreant to the high principles just enumerated.

I am not the author of this charge against Funk—he is the author of it. It is spread on the official records of the Senate of the United States. It appears on the official record of my trial before your Board of Directors. It is affirmed by the testimony of Cyrus H. McCormick and Edgar A. Bancroft. *Clarence S. Funk made his oath that he suppressed knowledge of a crime committed against the people of Illinois because of fear that money losses might result from bringing criminals to justice! And I am expelled on the unsubstantiated word of a man who gives himself that character!*

WHEN FUNK WANTED FAVORS

You will remember that in our Union League Club talk he asked me to introduce him to Senator Lorimer, and he says (p. 55) that I afterwards did introduce him to Mr. Lorimer in Washington, that he went up to Mr. Lorimer's room, was introduced and had a pleasant chat with the Senator. This shows that I was acting in exact accord with the promise I had made to him at the Union League Club at his request so to introduce him, and is corroborative of my statements in that regard.

If Funk's present version of that Union League Club talk

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were correct, not for a moment would I have thought of introducing him to Senator Lorimer, nor would he for a moment have permitted such an introduction. This introduction was in Mr. Lorimer's room at the New Willard Hotel in the fall of 1910, at the time of the deep Waterways Convention in Washington. It is apparent from this that at that time Mr. Funk had *not yet* put any sinister construction upon our Union League talk, and this conduct shows that he regarded it of the same innocent character that I did, and as it really was.

Mr. Funk testified that on March 4, 1911 (Rec. 58), he was at Washington on the last day of the session of Congress where there was an important matter in which his company was interested and which he was watching pretty closely; (*you will remember that he had testified before the Dillingham Committee that he did not do that kind of business;*) that when he sought admission to the Senate galleries he could not get in, and he said, "I found myself shut out," and explains that as he turned away he met me and told me that he could not get in, and said, "My pulls are all expended;" and relates that I (Hines) said, "Come here with me; I can get you in." There was a doorkeeper "whom Mr. Hines apparently knew, and he very kindly told the gentleman to let me get in there," and he thus got in. He admitted that he did not hesitate to accept this favor. It appeared to me at the time that he was very glad to accept it, and in fact he so expressed himself to me.

Again, on the 5th of March, 1911, when Mrs. Hines and I were returning from Washington to Chicago, we were in the dining car. Mr. Funk also was there, and he came to our table and chatted with us for some time in a very friendly way, and again expressed his great appreciation of the courtesy that I had shown him the day before in getting him into the Senate gallery. These facts also show that at that time he had no feeling of indignation or resentment toward me, but quite the contrary, and that he had no different idea of the innocent character of our talk in the Union League Club.

If Funk at that time really considered that talk as of a sinister character, would he as an honest man have conducted

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himself toward me as he did? Would he have solicited and accepted these favors at my hands? At that time I had not the faintest suspicion that Funk viewed our Union League talk as being of an improper nature, and I don't believe he did either. This occurred a long time after the Burrows Committee had begun its investigation and several weeks after the Helm Committee was organized!

Funk did not change front until later on.

WHAT I NATURALLY ASSUMED

When Funk approached me in the Union League Club and expressed himself as pleased over the election of Senator Lorimer I surmised at once that he wished to end the feud which had existed for years between the Harvester company and Mr. Lorimer.

Funk put the proposition that his company should assist in reimbursing the campaign expenses of Senator Lorimer in such a manner that I assumed that he meant a small contribution for legitimate expenses, but also recognized that this was only a pretext for placating the victorious candidate. It was generally known that the Harvester company was a liberal contributor to campaign funds, and also that Funk had much to do with details pertaining to legislation. Therefore, the suggestion made by Funk that Senator Lorimer should not be compelled to stand all the expenses of his campaign did not surprise me. I had no thought that his aim was to corrupt Senator Lorimer, but took it for granted that the new general manager was eager to win the friendship of a man who had been an enemy.

But I knew nothing about Senator Lorimer's campaign disbursements, and told Funk so. I had been in Washington most of the time for months. I had not seen Mr. Lorimer for weeks. I knew absolutely nothing of "practical" politics, and had not the remotest idea of how much the legitimate expenses of such a campaign would amount to. I promised, however, to ask Mr. Lorimer and to inform Funk on the matter.

I saw Mr. Lorimer on the following Sunday. Only on my

representation that I had promised Funk an introduction did he finally consent to grant it—not as a favor to Funk but to me. Senator Lorimer informed me that his campaign expenses were nominal, and made the remark: “You know I don’t drink nor smoke, and therefore have no expenses.”

I was compelled to leave Chicago for Washington on the following day and had no time to advise Funk concerning this. I accordingly asked Mr. Wiehe, the Secretary of our company, to notify Funk that there was nothing in the matter discussed between us in the Union League Club. I did not inform Mr. Wiehe the subject of that discussion. I was merely desirous of informing Funk that there was no fund to reimburse. I assumed that if I got word to him that “there was nothing in the matter” discussed between us a few days before in the Union League Club he would understand that Senator Lorimer either had no campaign expenses or declined to accept a contribution from Funk.

Senator Lorimer was elected on May 26, 1909. The Union League interview between Funk and myself was on May 27. I saw Senator Lorimer on Sunday, May 30, and left for Washington on the following day.

FUNK TRIES TO SEE ME

Mr. Wiehe testified before your Board that before leaving for Washington I had told him to see Funk and to tell him “that there was nothing in the matter” that Funk had talked to me about. Here is an extract from Mr. Wiehe’s testimony:

“I attempted to see Mr. Funk, but was unable to do so, he not being in his office, and the next day I telephoned him. He said he would like to see Mr. Hines. I told him Mr. Hines was out of the city, and Funk said he was very sorry and wanted to know where he was. I told him Washington. He said he was going to Washington via New York and would try to see Hines there.

“Mr. Hines called me up every day or two from Washington on the telephone, and I think it was in one of these conversations I told him what Funk said, and wires were exchanged between me and Mr. Hines with reference to

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this matter. One of these telegrams, dated June 4, addressed to Edward Hines, New Willard Hotel, Washington, D. C., was as follows:

“Funk New York today. Leaves this afternoon Washington. There tomorrow. You can reach him today, George Perkins' office or Judge Gary, 51 Broadway, E. H. L. Co.’”

I had planned to leave Washington for Chicago that day. Not considering that Funk had any business with me of pressing importance, I declined to change my plans, assuming that we could meet later in Chicago. I therefore sent this telegram to Mr. Wiehe:

“Washington, D. C., June 4, 1909. Edward Hines Lumber Company, Chicago. Will try. Have Funk meet me in Chicago Saturday or Sunday. Could meet him any time late. Leave here today. Answer quick. Edward Hines.”

I returned from Washington to Chicago but received no further communication from Funk on the subject of Senator Lorimer's campaign expenses, *nor was the subject ever mentioned between us again at any time.*

When questioned by the Dillingham Committee and before your Board, Funk tried to make it appear that Mr. Wiehe had not called at his office or telephoned him about the matter. Under pressure of cross examination, Funk finally qualified by stating that he “had no memory of it,” that he “could not recall it,” but (p. 238) reluctantly admitted that his addresses in New York, telegraphed by Mr. Wiehe to me, *were correct*, and Funk also admitted that he had gone to New York and was at those addresses at the time Mr. Wiehe had so advised me.

These telegrams tell a plain story. They were based on contemporaneous information which could have been received only from the office of the International Harvester Company. If Funk were not seeking me, why did Mr. Wiehe wire me Funk's addresses in New York? If I were seeking Funk, why did I not remain in Washington and await his coming? It is admitted that the contemplated meeting never was held, and

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I can only surmise, of course, the motive Funk had in then seeking a conference and in later dropping the matter.

The conclusion is inevitable that Funk was not satisfied with the purport of the message conveyed to him by Mr. Wiehe, and that he wished again to take the matter up with me. The conclusion also is inevitable that I considered the incident closed. I was not averse to conferring with Mr. Funk concerning it, but did not rate it of sufficient importance to remain an extra day in Washington. These conclusions are affirmed by telegrams submitted to your Board. The negative evasions of Funk are supported by nothing.

TWO MOST SIGNIFICANT FACTS

Before considering briefly the strange testimony of Herman H. Hettler against me, I desire to call your attention to two most significant facts:

First: In all of the hearings, formal and informal, *not a witness has testified against me who was not forced to admit either personal enmity towards me, or that he was allied with interests opposed to me. Not a line of disinterested testimony has ever been given against me in any hearing.*

Second: Even more remarkable and significant is the fact that these biased witnesses confine themselves to a narration of alleged statements made to them either by myself or by Mr. Wiehe. *They do not charge that they possess actual knowledge that any wrongful act was committed, but picture Mr. Wiehe or myself as relating to them the details of a grave offense.* You are asked by them to believe that I was so elated with the success of a crime that I bored them with its recital.

THE SO-CALLED HETTLER INCIDENT

I would not dignify the testimony given by Herman H. Hettler with any consideration, were it not for the fact that it throws a sharp light on the methods and absurd extremes used by the prosecution to make a case against me.

Hettler does not like me. He informed the Helm and Dill-

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ingham Committees to that effect, and also stated that he was my "business rival." He gave certain testimony before those investigating bodies. When I was called before the Dillingham Committee I gave certain of the reasons which account for the enmity of Hettler towards me. I shall not repeat them here. These disclosures naturally deepened his resentment, and he had his innings before your Board. You will find his testimony in full in the official record of those proceedings, which should be on file in the Union League Club. Read it and judge of his motives in giving it. Here is a digest of the facts:

On the day of the senatorial election Mr. Wiehe and I went to the Union League Club, remained at luncheon and were there several hours. We met and conversed with many of the members, among them Herman H. Hettler. Shortly before meeting Mr. Hettler I had called up the local office of the Associated Press and had learned that Mr. Lorimer had been elected Senator. I informed Mr. Wiehe and others to that effect. I was pleased with the result and probably showed it in my manner, but only one man has come forward and put a false construction on what I said that afternoon, and that man was Herman H. Hettler, who admits his enmity to me and who describes himself as my "business rival."

Is it not a most remarkable thing that all of my alleged indiscretions have been made to men whom I recognized as unfriendly, and against whom I naturally would have been on guard in making statements of any nature?

Mr. Wiehe and I met Mr. Hettler and passed a few words with him. He said to me: "You seem to be pleased. What is new?" I told him I had heard some good news; that the Associated Press had informed me that Mr. Lorimer had been elected Senator, and that I was very glad to hear it.

Mr. Hettler was called before the Board and gave his version of the conversation as follows:

I was at the cigar stand getting some cigars. Some one touched me on the shoulder. I saw it was Mr. Hines. He asked me if I knew the name of the new Senator,

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and told me it was Mr. Lorimer; that he had just been elected; that he had just come out of the telephone booth, where he had been holding a conversation with Mr. Lorimer. Mr. Hines said he had elected him. He said, "I did it myself personally." He seemed to be quite pleased. I have no distinct recollection of any more remarks. He spoke in a very loud tone. I did not consider it confidential (pp. 252-255.) *I attached no importance whatever to the conversation.* I did not think he intended to convey to me any information further than possibly showing me he was a powerful man. This was months or a year before there were any newspaper articles or intimations of any irregularity as applied to that election. Mr. Hines and I were not considered very friendly (p. 255).

I made no such remarks, but even if I had made them they would have had no bearing whatever on the question of my alleged conversation of the following day with Funk. Hettler's own version of this incident indicates nothing beyond the fact that I was pleased over the election of Senator Lorimer, and felt that I had helped bring it about in the way I have told you. It was not significant of anything *wrong* on my part. I did not call Mr. Lorimer on telephone from the Club that day, as the records of the Club and the telephone company certify.

But look at the inherent improbability and absurdity of certain details of Hettler's statement! He has me boasting in a loud tone of voice that "I elected Lorimer personally," and we find Hettler explaining that he "attached no importance whatever to the conversation." Let us see about that.

This conversation was alleged to have occurred at the cigar stand and in the presence of the Club attendant at the stand, a young man named Donald Frame. Hettler was directly instrumental in securing this Club servant as a witness against me, and you can judge of the character of the methods employed by Hettler from a reading of his testimony and that of the cigar clerk, as found in the official record of the hearings, from which these extracts are taken:

DONALD FRAME: I was showing Mr. Hettler some cigars at the time, and Mr. Hines approached the case

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from the back part of the house, and when he got to Mr. Hettler he made the remark that he had elected Mr. Lorimer. There were a few other words but I didn't get all of it. *They moved away just as soon as that was said. . . .* As near as I can recollect he said: "I have elected Lorimer our next Senator." (270)

More than two years passed before Donald Frame was produced on the witness stand before the Dillingham Committee to fortify the testimony given by H. H. Hettler. The methods employed to make him available as a witness can best be determined by a study of his cross-examination: (Dill. 1413)

MR. HYNES: When were you first spoken to about this after its occurrence?

MR. FRAME: Possibly 8 or 10 days afterwards, by Mr. Hettler.

MR. HYNES: What did he say to you then?

MR. FRAME: He said it was a peculiar remark, *and asked me if I had heard it.*

MR. HYNES: Did he state what the peculiar remark was?

MR. FRAME: No; he did not say just the exact words.

THE CHAIRMAN: Give your best recollection of the interview.

MR. FRAME (after a pause): *I cannot give you the talk that we had. I do not remember it.*

MR. HYNES: In what connection did he say it was a peculiar remark? Was it in trying to refresh your recollection? Did he not say: "It was rather a peculiar remark. You ought to remember that"? Did he say anything like that to you?

MR. FRAME: No; *not at that time.* He said something about it being a peculiar remark *shortly after Mr. Hines had said it—after Mr. Hines had left the Club.*

MR. HYNES: Did he talk with you after Mr. Hines left?

MR. FRAME: *Yes, sir.*

MR. HYNES: *Did he ask you whether you heard it or not?*

MR. FRAME: *Yes, sir.*

MR. HYNES: How did he put the question to you when he asked you whether you had heard it or not?

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MR. FRAME: He said: "*That was a peculiar remark. Did you get it?*"

MR. HYNES: Did Mr. Hettler speak with you on this subject at any time since that occasion, which you fix at about 10 days after the occurrence?

MR. FRAME: Why, when he would come in, maybe, he would speak to me and possibly smile, or ask me how I was, or something of that kind, but he never spoke——

MR. HYNES: On this subject?

MR. FRAME: *A few words might have passed on the subject.*

Here you have the picture of my fellow Club member, going repeatedly back to this employee and talking with him concerning a conversation which this Club servant was presumed to have overheard. Hettler had two years in which to "refresh the memory" of young Frame. It must have been a delectable task for "my business rival." Why did he do it? You could never imagine. We are coming to the explanation which Hettler gave before your Board (U. L. 256):

QUESTION: Have you any reason to suppose that any man who was serving at the cigar stand heard that remark?

MR. HETTLER: Yes.

QUESTION: Heard it at the time?

MR. HETTLER: He certainly ought, because he could not help but hear it.

QUESTION: Was anything afterwards said between you?

MR. HETTLER: *Not at that time.*

QUESTION: Was anything afterwards said between you?

MR. HETTLER: Yes. Some time after that, I don't know how long.

QUESTION: Can you fix it approximately?

MR. HETTLER: I am sorry to say that I cannot.

QUESTION: Was it a year?

MR. HETTLER: *I couldn't say.*

You cannot fail to note that the two important witnesses in this stupendous affair do not agree. You have read what young Frame said before the Dillingham Committee. Now read what he said recently before your Board (U. L. 271):

QUESTION: When did Mr. Hettler mention it to you?

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MR. FRAME: Well, *we spoke about it immediately after well, when he came back to buy cigars we said something about it, and I believe when he returned in about ten or twelve days after this occurred.*

You can judge as well as I concerning the veracity of H. H. Hettler and your Club employee. One of them certainly told an untruth. We will now resume a study of Mr. Hettler's testimony before your Board. Bear in mind that Donald Frame testifies that Hettler repeatedly brought up the subject of my alleged remarks. Bear in mind that Hettler assured your Board that he "*attached no importance whatever to the conversation, at that time.*" (U. L. 258) Bear in mind that I conducted it in "a loud tone of voice," and that I was talking to my "business rival." Now let us see why Mr. Hettler was so solicitous concerning the recollections of Donald Frame:

MR. HETTLER: It was some time after this that I asked him (Donald Frame) about it, and the real reason I had at the time for doing so, *it appeared to me that the young man was somewhat embarrassed. I suppose the Club etiquette is that employees do not hear conversations between members. But in my small way I wish to absolve that young man from any blame in that connection, because it was impossible for him to avoid hearing it. After I testified at the Helm Committee I then spoke to him at one time and asked him if he recollected the conversation. He said that he did.* I purposely avoided asking him any questions on the subject, referring to it in any way, and I also avoided the possibility of knowing the young man's name, for I inferred there might be unpleasant consequences for him if he were drawn into the case by subpoena. At Springfield they asked me the question, and I told them of the young man that heard it, but I didn't know his name.

QUESTION: You cannot fix the date of it?

MR. HETTLER: I think I spoke to him *prior to the Helm Committee in a casual sort of way once or twice,* and then after I came back from the Helm Committee, in buying a cigar or something of that kind, I would ask him if he was still in the city, not referring to anything, and I did not know whether the things were—the idea in my

mind—all the idea in my mind was I was wondering whether he would be subpoenaed. (257-258)

Even Funk was unable to beat that! Hettler starts out with the premise that he “attached no importance whatever at that time to the conversation.” The alleged conversation was addressed to him. It was overheard by the cigar clerk, and according to Hettler, Club etiquette prescribes that employees “do not hear conversations between members.” What then happens? According to young Frame, Hettler’s supporting witness, Hettler *immediately proceeds to discuss with the Club employee a conversation he was supposed not to hear, or at least to ignore and try to forget.*

What do we then learn from Hettler? He tells your Board: “It appeared to me that the young man was somewhat embarrassed.” In the name of common sense, WHY? Why should young Frame be “embarrassed” over a conversation to which Hettler attached “no importance whatever?” To relieve the “embarrassment” of the young cigar clerk, and to make him conform strictly to the requirements of “Club etiquette,” Hettler continues to greet him pleasantly, smile and ask him how he was, and occasionally bring up the alleged conversation to which Hettler asserts he “attached no importance whatever.”

Note the tender solicitude of Hettler and his fear that young Frame would be subpoenaed! Note his apprehension that “there might be unpleasant consequences for him if he were drawn into the case by subpoena!” Consider that despite all the *precautions* taken by Mr. Hettler, his young associate *was* subpoenaed, and his pitiful plight before the Dillingham Committee moved all who saw and heard him to pity!

Herman H. Hettler made a fitting close to his testimony before your Board. One of the verified facts in the so-called Hettler incident is that Mr. C. F. Wiehe, my brother-in-law and business associate, was with me in the Union League Club that day. We took luncheon together, and his signed slip for the luncheon was submitted in evidence. Your Board admitted that both of us were there. Mr. Wiehe was with me

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when I held that brief conversation with Hettler. Mr. Wiehe participated in it, and so testified under oath. Now listen to H. H. Hettler as he closed his testimony before your Board:

MR. HETTLER: There was no one present at this interview on the outside of the cigar stand with the exception of Mr. Hines. Any statements that are made here that Mr. Wiehe, or any other employee or associate of the Edward Hines Lumber Company, was within hearing, is a misstatement of fact."

Why is Hettler so strangely positive concerning an incident to which he "attached no importance whatever?" He describes me as talking "*in a very loud tone of voice by a descriptive conversation which sometimes possibly you may have known people to hold with any other person when they were elated over a situation,*" and has the brazen insolence to insinuate to your Board that Mr. Wiehe or any of my associates are liars if they assert they were "within hearing" of this vociferous conversation to which Hettler "attached no importance!"

In this connection I want to say that while Mr. Hettler (a business rival who admits he is unfriendly to me) is the only person who makes claim to having heard me boast of participation in the election of Senator Lorimer, the prejudiced newspapers have seized that statement and made it the basis of article after article in which it has been asserted in varying form that I repeatedly boasted of having elected Senator Lorimer. I deny that I ever made that claim to Hettler or to anybody.

SUPPRESSING THE TRUTH

At the time of the Helm Committee proceeding, its attorney, Mr. Healy, asked if our company would be willing to have an examination of its books, bank accounts, and also of my personal records. We promptly agreed to this. Mr. Healy made that examination, and after doing so told me that he found nothing to show my connection with the disbursement of any funds for the election of Mr. Lorimer, although Mr.

Healy claimed that he was not an expert. I later told him to select any firm of registered accountants, and that I would give them full freedom to examine all the accounts both of myself and my company, and of the Banks where we did business, and offered to defray the expenses of the examination. But Mr. Healy said he was personally satisfied and that he would report accordingly to the Helm Committee.

The officers of my company and myself believed that in fairness and justness to us that report should have been made public, and after waiting a considerable time the Secretary of my company sent the following telegram to Mr. Healy:

J. J. Healy, Attorney for Helm Committee, Leland Hotel, Springfield, Ill. Understand Helm Committee has met since your investigation of books and checks issued by Edward Hines Lumber Company, Edward Hines and C. F. Wiehe, but that you have been entirely silent as to your findings. In all fairness and in justice to us and our associated companies, do you not think that the results of your findings should be reported to the Helm Committee and made public?
C. F. WIEHE.

Receiving no reply to this telegram, another was sent, embodying the first and asking about report, as follows:

J. J. Healy, Attorney for Helm Committee, Leland Hotel, Springfield. Understand Helm Committee has met since your investigation of the books and checks issued by Edward Hines Lumber Company, Edward Hines and C. F. Wiehe, but that you have been entirely silent as to your findings. In all fairness and in justice to us and our associated companies, do you not think that the results of your findings should be reported to the Helm Committee and made public? I have yet received no reply to this telegram and would be pleased to have you advise me if your Committee has received this report.

C. F. WIEHE.

Telegrams were also sent to Chairman Helm, urging that in full fairness the press should be informed that our books had been examined.

No reply was made to any of these telegrams, and the Com-

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mittee, so far as I have ever heard, never gave out that information for publication. In its report the Helm Committee (312) does say, with reference to Mr. Healy's examination of our books: "That the said Hines and the said Wiehe exhibited to its (our) counsel, so far as he could ascertain, all of the books, papers and accounts of said individuals and said Edward Hines Lumber Company, together with the books, papers and accounts of many subsidiary companies, and gave to your (our) counsel every then present means and opportunity to make any and every investigation which might then occur to him, and produced checks, papers, book accounts, etc., when the same were asked for." But the report failed to show the further very important fact that we had offered to have qualified and expert accountants go over all of our matters, and we would pay the expense thereof.

VINDICATING REPORT OF AUDITORS

When the Dillingham Committee was conducting its investigations it appointed one of the most noted firms of expert accountants in the world, Messrs. Barrow, Wade, Guthrie and Company, to make an examination, and they did make a most thorough investigation of the accounts of the Edward Hines Lumber Company, its subsidiary or controlled companies, and my personal accounts, and after weeks of investigation, reported November 1, 1911, to the Honorable W. P. Dillingham, U. S. Senate Committee on Privileges and Elections, amongst other things as follows:

I hand you herewith my report on the following matters which I investigated under instructions received, viz.: (a) Accounts of the Edward Hines Lumber Company and its subsidiary or controlled companies, including the personal accounts of Mr. Edward Hines. (b) Certain personal records of Mr. Edward Hines. The purpose of the examination of the books of the Hines Lumber Company was to determine, if possible, what part, if any, this Company had in the collection or disbursement of the fund alleged to have been raised in connection with the election of Mr. William Lorimer to the U. S. Senate in May, 1909.

In addition to the accounts of the Edward Hines Lum-

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ber Company proper, my examination embraced the accounts of the following, branches and companies owned or controlled by it, viz.:

Edward Hines Lumber Company, Vessel Department.
Edward Hines Lumber Company, Lumberman's Mill Co.
Edward Hines Lumber Company, Wood Street Planing Mill.
Edward Hines Lumber Company, Evanston Branch.
Edward Hines Lumber Company, Glen View Branch.
Edward Hines Lumber Company, Rose Hill Branch.
Edward Hines Lumber Company Cusson Logging Operations.
North Wisconsin Lumber & Manufacturing Company.
Hayward Mercantile Company.
First National Bank, Hayward, Wisconsin.
Mason State Bank, Mason, Wisconsin.
White River Lumber Company.
Iron River Lumber Company.
Virginia & Rainy Lake Company.

I was also granted access to the personal books of Mr. Edward Hines for the year ending Dec. 31, 1909. As a result of my examination of the books of the Edward Hines Lumber Company and the personal books of Mr. Edward Hines for the entire year ending Dec. 31, 1909, and of the books of the various branches and subsidiary or controlled companies (as hereinbefore enumerated) for the nine months from April 1, 1909 to Dec. 31, 1909, I am able to report as follows:

(a) That there was no evidence of the Edward Hines Lumber Company or any of its subsidiary or controlled companies having received or disbursed any moneys in connection with the election of Mr. William Lorimer on May 26, 1909, to the U. S. Senate from the State of Illinois.

(b) That there was no evidence of Mr. Hines as an individual having received or disbursed any moneys in connection with the aforesaid election.

In order to ascertain whether or not Mr. Hines might have negotiated a loan from one or other of the banks in Chicago with which he was connected or with which he had business relations, I visited the following banks and Trust Companies: Continental National Bank, Hibernian

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Banking Association, Fort Dearborn National Bank, Northern Trust Company, Corn Exchange National Bank, Metropolitan Trust & Savings Bank. At each of these places I examined their record of notes discounted during the last week of May, 1909 and the first part of June, 1909. I am able to report, therefore, that at none of these banks in the period under review did Mr. Hines discount any note or notes, either as drawer or endorser. . . .

Yours very truly,

ALFRED A. RITCHIE.

The same firm of auditors also made an exhaustive examination of the books of Edward Tilden and made a report declaring that his books and records contained no indication that that he had been concerned in the plot outlined in Funk's testimony. The report of the auditors on Mr. Tilden's books and records concluded as follows:

"That Mr. Tilden would not co-mingle trust moneys with his own funds . . . That, from the records examined, and on the assumption of the correctness of the above theory, there was no evidence that Mr. Tilden had been custodian of the fund alleged to have been raised in connection with the election of Mr. William Lorimer to the Senate of the United States from the State of Illinois."

It would be impossible to conduct a more thorough examination than that given to my books and records. You will recall that the testimony given in Washington fully developed the fact that Senator Lorimer was not an active candidate until May, 1909. I gave the auditors access of all books and records back to April, at which time I am on record as having been interested in the candidacy of candidates other than Mr. Lorimer.

Funk quotes me as saying to him that when the time came I had to raise the money quickly. He had me down in Springfield a few days before the election, hurriedly collecting or openly advancing \$100,000. I actually was in Washington, and the report of the auditors disposes of the remaining fragments of Funk's fiction.

The testimony introduced before your Board relative to the

interview of May 27, 1909, did not differ widely from that presented under oath before the Dillingham Committee. Funk purposely omitted from his testimony those details which caused him trouble when under oath in Washington, but it was easy to confront him with his sworn statements made in Springfield and in Washington, and thus to exhibit his lack of candor as a witness.

In a court of law I would not have been compelled to set up a defense. There was nothing to defend. Funk did not have a witness, a scrap of paper, an authenticated date, nor could his attorney point to one fact which indicated a possibility that I was or could have been guilty of the charge made by Clarence S. Funk.

FUNK'S OTHER CLAIM

It will not be surprising if you find it impossible to believe that the things about to be recorded actually took place within the precincts of the Union League Club. *I will admit that they sound impossible.* But this testimony and these incidents do not rest on my word. They are taken from the official record of my trial before your Board of Directors. That record was compiled by them. It is a transcript of notes taken by a reporter employed by them. That record was yielded to me only after every effort had been made to impose secrecy on me, and only after my attorney had taken steps to secure for me my legal rights.

On January 17, 1911, the State Senate of Illinois appointed a special investigating committee to inquire into certain new charges involving the right of Senator Lorimer to his seat in Washington. This body is known as the Helm Committee. It met and organized in Springfield on February 24, 1911. It held a short session on March 2 and did not meet again until March 28, when I testified before it. I gave the substance of my slight connection with the election of Senator Lorimer, the conferences with Senators Aldrich and Penrose, and my trip to Chicago with the message I was authorized to convey to Governor Deneen. When questioned by counsel of the Helm Committee,

I denied that I had any knowledge of any fund used in securing the election of Senator Lorimer.

I assumed that the Committee desired only to know the purport of my conferences in Washington and my attempt to convey the message to Governor Deneen. I disliked to disclose these confidential political matters, but did so truthfully and frankly, and had every reason to assume that this ended my connection with the matter.

The Helm Committee was at that time, of course, in possession of the allegations made by Clarence S. Funk, as told by him to Mr. H. H. Kohlsaatt. The latter was called before the Committee on March 29, 1911, and questioned in detail about his authority for the charges made in a Chicago Record-Herald editorial of February 15, 1911, which editorial read as follows:

BAILEY'S FALLACY—WITH APPLICATIONS

Senator Bailey has almost convinced himself that there was no corruption at all in the Illinois Legislature which sent Lorimer to the Senate. His grand "forgery" climax was cruelly spoiled, but undaunted he asserted that there was little except suspicion and talk in the Lorimer and "jack-pot" scandals. Generalizing, he contends that there is much less corruption and graft in the country than many people, misled by muckrakers, have been led to believe.

Now, this general statement may be true without lending any force whatever to Bailey's view of concrete cases. Do we know all that we might about the Illinois jackpot? Do we know all there is to know concerning the \$100,000 fund which was raised to pay for Lorimer votes? Do we know the true inwardness of the Browne, Erbstein, Kelley trials?

In some instances there is undoubtedly more cry than there is wool in muckraking affairs. In others, like the Albany Allds-Conger scandal, the Illinois Lorimer affair and jackpot, the facts are much graver than the average voter in certain districts realizes, or men like Browne, Broderick, and Wilson would never have been re-elected. If all the facts were known about Springfield and Albany graft a good many men would be moving penitentiaryward. In cases of bribery, perjury, looting of public treasuries, it is not easy to get the "parties" to talk, for

obvious reasons. What loose writers here and there say about unspecified graft has no bearing on concrete cases. In such cases the question is one of evidence—its quantity and quality—and of inference, probability or reasonable interpretation.

This editorial set in motion a momentous series of events. It was the direct cause which precipitated the second Lorimer investigation. It split the Republican Party in Illinois into warring factions. It has occupied the attention of the United States Senate for nearly a year, and brought about an investigation with the most voluminous record in the history of American legislation.

CAN YOU BELIEVE THIS?

That editorial of February 15, 1911, was the direct cause of forcing Clarence S. Funk to take the stand before the Helm Committee and to tell the false story implicating me. Funk was the man who, according to his own testimony, gave Mr. Kohlsaas the data on which that editorial was based, and yet, mark this:

Clarence S. Funk declared to the Board of Managers that he never saw or read that famous editorial until it was called to his attention by his attorney, Frank Loesch, which was on January 13, 1912, at which time my trial before the Union League Club was nearly ended.

To believe this statement is the supreme test of credulity. Funk says that he did not see it after his friend Kohlsaas wrote it. He says he did not see it when it had forced him to go to Springfield where he told his astounding story. He says he did not see it when it was called to his attention time and time again when he was on the witness stand and under oath before the Dillingham Committee in Washington. He says he did not take the trouble to read it during all the months that intervened before I was confronted with charges in the Union League Club. Do you believe that? It appears on the records of your Club.

Mr. Kohlsaas disclosed to the Helm Committee the name of

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his informant—and named Clarence S. Funk as the man responsible for the Record-Herald editorial of February 15, 1911. Funk appeared before the Helm Committee on April 5. That portion of his tale relative to our interview in the Union League Club has already been given. I shall now give in full his version of the alleged second interview.

Bear in mind that Funk gave this testimony on April 5, and that he was questioned about an editorial that appeared on February 15, and that **EXACTLY SEVEN WEEKS HAD ELAPSED!** Bear in mind that it was not **SEVEN MONTHS**, or **SEVENTEEN MONTHS**, or **TWO YEARS**, but a trifling matter of forty-nine days. Keep this fact in your mind. I shall refer back to this page once in a while when I come to analyze some of Funk's conflicting stories, and my object will be to call pointed attention to the fact that *this is the story that Clarence S. Funk told when he was under oath, when he was subject to the penalties of perjury, when the topic presumably was fresh in his mind, when he occupied the center of the stage with the lime-light of publicity turned on him.*

I will show you later what Clarence S. Funk said when he was my accusing witness before the Board of Directors of the Union League Club; when he was not under oath; when the lie he told in Springfield had been shattered and torn beyond recognition by unanswerable proof and testimony. I will show you what he then said before a friendly court; when my disgrace was the price of his safety or his conniving, and when he imagined that no word of what he then said would be permitted to penetrate the walls within which I was unfairly tried and unjustly condemned.

FUNK'S FALSE TESTIMONY

Here is the testimony in full given by Clarence S. Funk on April 5, 1911, before the Helm Committee and relative to the alleged second interview between himself and me—an *interview which never occurred*—and Funk cannot escape the responsibility which attaches to this testimony:

QUESTION: You remember, do you not, Mr. Funk, the

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publication of an editorial in the Chicago Record-Herald on or about the month of February, 1911, in which there was specific reference to a \$100,000 corruption fund?

MR. FUNK: I don't think I saw the editorial *at that time*.

QUESTION: Well, did anyone talk with you, or did anyone see you in reference to that editorial, or about that time, in reference to this conversation you had with Mr. Hines at the Union League Club?

MR. FUNK: Do you mean anybody besides Mr. Kohlsaat? I saw Mr. Kohlsaat.

QUESTION: Did you see Mr. Hines about that time?

MR. FUNK: Yes; Mr. Hines came to my office in a day or two, or a short time; it may have been more than a day or two, *but a short time after that editorial appeared*.

QUESTION: What conversation did you have with him upon that occasion?

MR. FUNK: Well, he was very much disturbed at that time, and undertook to refresh my memory as to what our conversation had been.

QUESTION: What did he say?

MR. FUNK: Well, I cannot repeat his language exactly, but in substance it was to the effect that his former conversation with me *had been merely a general discussion of the situation down there, and that he had not asked me for any money, and that he did not know anything about any money having been raised*.

QUESTION: Well, had you any prior conversation with him in which you accused him of having raised any money? money?

MR. FUNK: No.

QUESTION: Or being concerned with any fund of that sort?

MR. FUNK: No.

QUESTION: You had not communicated with him in any way about that time?

MR. FUNK: No, sir.

QUESTION: And did he pretend to have any other business or other thing to discuss with you *when he came to your office in February, 1911*?

MR. FUNK: No.

QUESTION: So you had never discussed with him the matter of the existence of that corruption fund after the Union League Club meeting, which occurred in May or

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June, 1909, until about the time of the publication in the Record-Herald, which was some time in February, 1911?

MR. FUNK: No.

QUESTION: How long did this second conversation with Mr. Hines at your office last?

MR. FUNK: Oh, not over five minutes.

QUESTION: Did he ask you at that time whether you had given anyone information with reference to the first conversation?

MR. FUNK: No. (Helm 71)

A child can understand the plain purport of that testimony. Funk was given clearly to understand that the editorial was published in February, 1911. He says he had conferred with Mr. McCormick about his duty to Kohlsaat, and here he was in Springfield telling under oath of an occurrence alleged to have taken place not more than seven weeks before. He now says before the Union League Club that he had not then read the famous editorial, and that TWO YEARS AND NINE MONTHS PASSED BEFORE HE FINALLY DID READ IT. Do you think that possible?

FUNK BEFORE THE DILLINGHAM COMMITTEE

On June 26, 1911, Clarence S. Funk testified under oath before the Dillingham Committee. This was less than four and one-half months after the publication of the Record-Herald editorial of February 15, 1911. During the fourteen weeks which had elapsed since his appearance before the Helm Committee, Funk was in a position to mass such proof as he had to confirm the story then told by him. Funk was fully aware that he was the central figure in the greatest political scandal ever exploited in the United States. He was well aware that his testimony had instigated the second Lorimer investigation, and he realized that the burden of proving the charge against me was on him.

Funk was the star witness for the prosecution. It may be assumed that the attorneys for the prosecution made every move which legal skill could suggest to bolster the Funk evidence. It may confidently be assumed that every effort was

made to secure witnesses and documentary proof to add weight to the allegations made by Funk. We have a right to believe that repeated conferences were held on this matter, that every detail was carefully considered and that a plan of campaign was mapped out.

Funk knew, and all concerned knew that he would be subjected to a thorough cross-examination before the Dillingham Committee. It was recognized that Funk's testimony before the Helm Committee must stand as the foundation of the charge against me, and it was known that if he wandered far from his Helm testimony any new story would fall of its own weight. Why? Because the Helm testimony was given under oath when the subject was fresh in his mind; because it was the testimony on which was based the second Lorimer investigation.

Funk's story before the Dillingham Committee differed in certain details from that given before the Helm Committee, but THE SUBSTANCE OF HIS TESTIMONY WAS THE SAME. It had to be. He dared not change it. The eyes of the nation were on him. Here is the essence of his testimony relative to the time of the alleged second interview between himself and me—an interview which never occurred:

MR. MARBLE: Did you have any further conversation with Mr. Hines relative to the first conversation?

MR. FUNK: Yes; I had a second conversation with him.

MR. MARBLE: When?

MR. FUNK: As near as I can fix it, it was a few days after the publication of the Record-Herald editorial. It may have been more than a few days. I cannot say definitely; but it was after the Record-Herald editorial was published.

MR. MARBLE: What do you mean by the Record-Herald editorial?

MR. FUNK: The one that brought Kohlsaat to Springfield; the editorial in which he said that \$100,000 had been used. (Dill. 557)

I take it that this is plain testimony. You cannot escape its

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meaning. It was an unequivocal declaration that the second alleged conversation took place shortly after February 15, 1911. Funk pretended not to know the exact date of the editorial. He was probably the only man present who did not know the date—if he really did not know it. However, his own counsel pinned him to the date a minute later:

MR. MARBLE: Assuming that the Record-Herald editorial was printed on the 15th of February, 1911, when would you say that conversation was held?

MR. FUNK: *I think it was a short time after that.*

This and other testimony by Funk, Kohlsaas and others positively fixed February 15, 1911, as the approximate date on which the second conversation was alleged to have been held. I shall consider that matter later in detail. The point I wish now to emphasize is that the Dillingham Committee was given to understand that this was the date. No other date was even hinted at. The Dillingham Committee and the public has not had the slightest official information that there was any other date suggested or offered for consideration.

EXPOSURE OF FUNK'S FALSEHOOD

Despite the fact that this accusation rested solely on the word of Funk, I was in duty bound to defend myself against his imputation. I did so. I placed before the Dillingham Committee an overwhelming mass of documentary and oral evidence which proved beyond the shadow of a doubt that *I was not in Chicago from February 7, 1911 to March 5, 1911, and that during this period I could not have held in Chicago the interview charged by Clarence S. Funk.*

The Chicago newspapers suppressed all mention of this absolute repudiation of Funk's charge, but the Dillingham Committee knew that it was true, Funk's lawyers realized that he was a discredited witness, and Funk knew that he had been detected in an open falsehood.

It was not my fault that the Chicago newspapers suppressed the truth which vindicated me. It was not my fault that these press tactics prevented my fellow members in the Union League

Club from knowing that my word had been affirmed and that of Funk repudiated. I assumed that the Board of Directors would be governed by the facts when they learned them. They were not so governed.

I was curious to know what course Funk would pursue before the Board of Directors when he came to fix a date for the alleged second interview. It was intimated to me that Funk's lawyers would not permit him to again confront the unassailable proof in my possession that I was not in Chicago on or shortly after February 15, 1911. There seemed to me no way of escape for my false accuser, but I was unprepared for the astounding effort made by him in his original testimony before the Board. Funk thus testified before the Club judges who have seen fit to accept his word and to reject mine:

FUNK'S ASTOUNDING TESTIMONY

(The first two questions in the following testimony refer to the Union League Club conversation between Funk and myself, held on May 27, 1909, and are inserted here to give the proper relevancy to Funk's reply to the third question.)

QUESTION: You ended the conversation right there?

MR. FUNK: Yes, sir.

QUESTION: By getting up and leaving him, did you?

MR. FUNK: Yes, sir.

QUESTION: But you had no other conversation with him on that same subject after that; with Mr. Hines, I mean?

MR. FUNK: Yes. He came to my office A FEW MONTHS AFTERWARDS, evidently considerably at that time agitated; he came in one morning just before—just as I was going into a director's meeting, or some conference which was quite important and which I could not delay, and undertook to talk to me about that conversation and to refresh my memory on the suggestions in it. I talked to him only a minute. I told him I thought I remembered it, and excused myself and went into my meeting.

QUESTION: That is, after the meeting at the Union League Club?

MR. FUNK: I think IT WAS FOUR OR FIVE MONTHS AFTER.

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QUESTION: How long ago, can you fix it?

MR. FUNK: No, I cannot fix it definitely. (U. L. 21)

This is the testimony of Clarence S. Funk as it appears on the official records of the Union League Club. I offer it for your consideration. The Senate of the United States is as yet officially unaware that Clarence S. Funk thus brazenly repudiated his sworn testimony given before the Dillingham Committee on June 26, 1911. Funk first made this statement to your Board of Directors at a secret session held on November 13, 1911. I was not permitted to be present or to be represented by counsel when Funk thus changed his testimony.

It was not until January 2, 1912, that I appeared before your Board and heard read the new version of Funk's testimony against which it was demanded that I prove my innocence. Funk was also present. His secretly given testimony of November 13 was slowly read to him. He made a few slight corrections. The following then ensued:

A MEMBER: Mr. Funk, if you have any corrections to make in this statement or anything to add to it, you are at liberty to do so now.

MR. FUNK: THAT STATEMENT IS SUBSTANTIALLY CORRECT. There appears to be a few grammatical errors that are of no consequence. The statement is substantially as I made it.

A MEMBER: You have nothing to add to it?

MR. FUNK: No, sir. (U. L. 24)

That "substantially correct" and complete statement will be analyzed fully later. I now desire to direct your attention to the fact that Clarence S. Funk came before your Board of Directors on November 13, 1911, and again on January 2, 1912, and OPENLY REPUDIATED HIS SWORN TESTIMONY BEFORE THE HELM COMMITTEE IN SPRINGFIELD, GIVEN ON APRIL 5, 1911, AND ALSO HIS SWORN TESTIMONY GIVEN BEFORE THE DILLINGHAM COMMITTEE ON JUNE 26, 1911.

A "MISTAKE" OF SIXTEEN MONTHS

Before both of these committees, with the subject fresh in his mind, with full realization of the responsibility which was his in making a criminal charge against me, CLARENCE S. FUNK TOOK OATH THAT I CAME TO HIS OFFICE SHORTLY AFTER AN EDITORIAL PUBLISHED IN THE CHICAGO RECORD-HERALD IN FEBRUARY, 1911, OR ABOUT SEVEN WEEKS BEFORE HE MADE HIS PUBLIC CHARGE BEFORE THE HELM COMMITTEE.

BEFORE THE BOARD OF DIRECTORS OF THE UNION LEAGUE CLUB HE MADE NO MENTION OF ANY EDITORIAL. WHEN ASKED THE DATE OF THE ALLEGED SECOND CONVERSATION, HE STATED IT AS "FOUR OR FIVE MONTHS" AFTER THE UNION LEAGUE CLUB INTERVIEW, WHICH ESTABLISHED A NEW FUNK DATE IN SEPTEMBER OR OCTOBER, 1909, IN PLACE OF FEBRUARY, 1911, A SHIFT OF DATES OF NOT LESS THAN SIXTEEN MONTHS!

And I was expelled from the Union League Club on the testimony of Charles S. Funk! Sixteen months is a mere detail, a trifling matter, to Funk. I was compelled to account for every hour of the day for a period of months. I did so, and was then expelled on the word of a man who lacks either memory or morals.

Select your own excuse for Funk, and then judge this action of your Board. Assume, if you will, that Funk made an honest mistake in setting this astounding new date. Would you like to be expelled from the Union League Club on the word of a man who makes a "mistake" of SIXTEEN MONTHS in a vital date? Assume, if you will, that Funk has no memory for dates. How comes he to be general manager of a great corporation? How would you like to be placed at the mercy of a man afflicted with a memory like that?

You will not give Clarence S. Funk the benefit of any such assumptions when you have finished these pages. You will

know why the Dillingham Committee gave me an unqualified vindication, and you will understand why that Committee declined to accept the impossible assertions made under oath by Funk.

Why did Funk fix that new date? Why did he place the time of the alleged second interview in September or October, 1909, instead of February, 1911. You may be sure he had a reason, and here it is:

When I was called before the Dillingham Committee I showed by a mass of evidence, overwhelming and conclusive, that I was not in Chicago at or near the time of the editorial of February 15, 1911; that I was not in Chicago from the 7th of February, 1911, to the 5th of March, 1911. When Funk made his various statements before the Helm and Dillingham Committees he did not know my whereabouts during the period in question, but apparently assumed that I was in Chicago on or shortly after the 15th of February, 1911.

It was not until I took the witness stand in Washington and proved absolutely that I was not in Chicago at any time during that period that it dawned on Funk and his attorneys that they were confronted by facts which could not be ignored.

FUNK SHIFTS

Now see what follows: Did Funk go before the Dillingham Committee and explain that he had made a "mistake" in setting that date? Not at all! He permits his false testimony to stand on the Dillingham Committee records without a word changed. It was not until the 13th of November, 1911, that Funk gives a new version of his tale and sets a new date for the alleged second interview. He does this in a private hearing before your Board of Directors. He does it in full knowledge of the fact that he cannot stand on the testimony he gave under oath in Washington. He seems to have had confidence that any version or any date would be accepted by your Board, and that his direct impeachment in Washington would be ignored by those who had decreed in advance a verdict of expulsion against me.

Deliberately ignoring his sworn testimony in Washington which was accepted as fixing the date of the second alleged interview after an interval of approximately twenty-one months after the first or Union League Club interview, Funk now coolly informed your Board that it was "a few months after," and finally that it was "four or five months after."

Funk's motive was plain. It was his purpose to get clear away from the date which he had given under oath, the date fixed by the Record-Herald editorial of February 15, 1911, and to fix a new date back to some indefinite time in the fall of 1909, a date not associated with any editorial, in the hope that I might not be able to meet the new and vague period.

Funk had had months in which to map out his plan of procedure before the Board of Directors of the Union League Club. You can judge as well as I whether he acted on his own initiative or if he accepted the advice of others. The recklessness of the expedient adopted to avoid impeachment is exceeded only by its stupidity. The new date fixed by Funk was one prior to the filing of any charges against Senator Lorimer, and in a period when there was nothing to indicate that he would be compelled to fight to retain his seat. Funk must have known that. His sole desire seems to have been to get as far away as possible from the date he had fixed under oath, and he seemingly relied on the credulity or bias of the Board to accept without question any statement he cared or dared to make. It developed, however, that his new tale was so preposterous that it had to be discarded in part and remodeled in vital details—and later totally abandoned!

FUNK'S HUMILIATING RETREAT

The task which confronted Funk, his attorneys and certain members of the Board was to assume some date on which *I could not prove my innocence*. The attempt to prove me guilty was now openly abandoned. From this point on a desperate attempt was made, not to prove a date, but *to make me disprove any date which Funk or other of my persecutors might*

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care to assume! The official record contains the proof that I was subjected to that injustice.

On cross-examination, when Funk was confronted with his testimony, given both before the Helm and Dillingham Committees, which directly contradicted his new statement, Funk sought to escape from the embarrassing position in which he found himself by falling back to his original testimony before the committee which fixed the editorial of Feb. 15 as the time of the alleged second talk. The following then occurred:

MR. EATON: You desire to connect it with the reading of this Record-Herald editorial, do you?

MR. FUNK: It happened somewhere along that time; I cannot say definitely.

MR. EATON: It is important to the Board, because in your testimony the other day you nowhere connected it with that editorial, did you?

MR. FUNK: I was not asked that question. (U. L. 40)

Read that last answer and judge of the candor and frankness of Clarence S. Funk! Why was he not asked that question? Because he did not wish to answer it. Because he wished to evade being confronted with the proof which had overwhelmed him in Washington. Because he wished to leave the alleged date so indefinite that I could adduce no proof to repudiate his unsubstantiated word. Because your Board protected him by not asking that awkward question. That was why.

WHAT FUNK CLAIMS I SAID TO HIM

Let us now consider the words which Funk ascribes to me in that second conversation—*which never occurred*. We will, as usual, go back to his original story as told to the Helm Committee. (Page 71, Helm Com.)

QUESTION: What conversation did you have with him upon that occasion?

MR. FUNK: Well, he was very much disturbed at that time and undertook to refresh my memory as to what our conversation had been?

QUESTION: What did he say?

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MR. FUNK: Well, I cannot repeat his language exactly, but in substance it was to the effect that his former conversation with me had been merely a general discussion of the situation down there, and that he had not asked me for any money, and that he did not know anything about money having been raised.

His narration of this alleged incident before the Dillingham Committee did not vary much from the above. He said: (Page 557, Dill. Com.)

MR. MARBLE: Now tell us what the conversation was.

MR. FUNK: Mr. Hines arrived at my office one morning shortly after I got there, about 9 o'clock, and he was admitted to my room. He seemed to be considerably agitated, and he immediately begun to talk with me about our former conversation.

MR. MARBLE: What did he say?

MR. FUNK: The substance of it was that he did not want me to misunderstand our talk the other day; that he had not meant to say that any money was used, but that he was only discussing with me in a general way the situation down there; and that he got to thinking about it afterwards and thought that I might not have understood it, and he was back there to clear it up for me.

Before the Board of Directors of the Union League Club Funk gave this version of my alleged conversation: (Page 21, U. L.)

MR. FUNK: He (Hines) said substantially that he had been thinking about that last talk we had and wanted me to understand the situation, and that he did not intend to say that any money had been used, etc. And I told him I thought I did understand the conversation, and meantime they were calling me and I excused myself with him.

I desire to call your attention to several very peculiar things which must be deduced from this testimony of Funk's.

Study that explanation of Funk's and ask yourself if it sounds reasonable. You remember his account of our first meeting in the Union League Club. It was most specific in

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character, and left no room for any misunderstanding concerning what was meant by the words which Funk put in my mouth. He declared that I specifically stated to him that "It cost \$100,000 to put Lorimer over," that "we had to put the money up in a hurry" without time to consult anybody, and that I asked him for a contribution of \$10,000 to help make up the fund, and that I directed him to send the money to Edward Tilden.

CAN YOU EXPLAIN THIS?

There was nothing vague about those alleged statements. They are susceptible of only one meaning, and, if they were true, would leave me without the slightest hope that I could delude Funk into believing that I had said something which might be construed, "I had not meant to say that any money was used," and that "I was only discussing in a general way the situation down there," and that he (Funk) "might not understand it." How on earth could he fail to understand a bold demand for \$10,000 which was to be sent to Mr. Tilden?

Funk would have you believe that after I had made these specific statements to him concerning this alleged corruption fund, that I rushed to his office because of a vague charge in an editorial, knowing that he was my enemy and responsible for its publication, and you are asked to believe that I then attempted to placate him with the asinine explanation of the specific statements which he attributed to me in the testimony he has given.

If Funk had charged me with making mere general and suggestive statements to him in our Union League Club interview, statements susceptible of double meaning, his testimony relative to the second interview might assume some color of credibility, standing by itself. However, in view of the raw proposition which he attributes to me of asking him to contribute to a specifically named corruption fund and giving to him the details of the same, Funk's explanation of this second alleged conversation in his office becomes simply unbelievable to any fair-minded person.

AND HOW ABOUT THIS?

Again, you will also notice that Funk testified that "*I was admitted to his room.*" That means necessarily, that I had to gain access to Funk through somebody else in the outer office and presumably gave my name to some office attendant who conveyed the same to Mr. Funk in his private office, or "room," as he terms it. And still Funk, neither at any time or at any hearing, brings a living soul to corroborate him in his claim that I called at his office, as testified to by him. Not only this, but he testified at one time before the hearing of the Board of this Club in relation to another matter that a record is kept in his office by attendants of all calls made upon him either personally or by the telephone, and if, as he claims, I called upon him that morning, and was "admitted to his room" he would according to his own statement have not only the corroboration of the person who admitted me, but a record in his office of such visit made at the time and he would certainly have produced it.

You will also observe that Funk further said before the Dillingham Committee, "in this second talk Hines told me that he did not want me to misunderstand our talk of *the other day.*" You will note by this that Funk quotes me as referring to our first talk as having occurred "*the other day,*" which was the 27th day of May, 1909. According to this there were only a few days between the two talks, and for aught that appears the second talk may have been in the same month of May as the first interview, and consequently nearly two years before the appearance of the Record-Herald editorial of February 15, 1911.

It was the editorial of February 15, 1911 "that brought Kohlsaas to Springfield," and it was that editorial that Funk was specifically questioned about before the Helm Committee and also before the Dillingham Committee, and it was with reference to that editorial that he definitely and unequivocally fixed the time of this alleged second talk at his office. At the time Funk gave his testimony before the Dillingham Committee with reference to the editorial of February 15, 1911, and

this alleged second talk I had not yet been called upon to testify regarding the same.

SOME PROVED FACTS CONCERNING FEB. 15

At the hearing before the Board, on January 2, Chairman Sidley brought up the question of my absence from Chicago from February 7th to March 5th, 1911. I was called upon to testify by your Board concerning my whereabouts during that period, and I stated as follows:

"The statement made before the Helm Committee and the Dillingham Committee was that I went to Mr. Funk's office at the International Harvester Company a few days or a short time after this Record-Herald article of February 15, 1911. I did not go there. I was not in Chicago from February 6 to March 7—March 6. I placed before the Dillingham Committee conclusive evidence of where I was every day—yes, half day—during that time. I introduced telegrams that I received every day in Washington; telegrams that I sent every day in Washington; original telegrams, not copies. My secretary had the adjoining room with me for a part of that time. Mrs. Hines arrived in Washington February 11, and stayed with me until March 4. In addition to that I introduced long distance telephone receipts, accounting for every day using the long distance telephone. I introduced our general manager of our northern properties here in Chicago during Mr. Barth's absence in California, who sent me mail every day up to the second day of March. I introduced the purchasing agent of the American Window Glass Company, with whom we closed a large contract. He was in communication with me on the long distance telephone, and where he had sent telegrams to me, one Pittsburg to Washington, Washington to Pittsburg and Chicago. During that period I was not in Chicago, nor has there been anybody able to produce anything—the slightest evidence—that I was in Chicago from February 6 to March 4, I think it was. I arrived home on March 5 and left in the afternoon of March 6 for Virginia, Minnesota, to attend several annual meetings, and returned here March 13. I have had the system since I commenced business—a young man in our employ, our

assistant treasurer has a record, that we produced in Washington showing where I was every day of the year. If I leave Chicago a telegram is sent when I arrive in New York, Philadelphia or wherever I go, those telegrams are sent; so I can verify positively where I was every day and I was not in Chicago." (80-81.)

THE BOARD ACCEPTS A TRUTH

At the next meeting of the Board, however, further testimony relating to this point was made unnecessary by the admission of the Board that I was not in Chicago from February 7th to March 5th, 1911. The following colloquy ensued:

CHAIRMAN: I don't understand that there is any question on it.

MR. SCOTT: Is that right, Mr. Eaton?

A MEMBER: Mr. Hines left on the 7th.

MR. EATON: From our standpoint it is material.

MR. SCOTT: It is simply a question of fixing the dates.

MR. HINES: The 7th of February; arrived in Chicago on the 5th of March.

CHAIRMAN: *Well, it will be assumed for the purposes of this hearing that Mr. Hines was absent from the city during that time.*

There was no dissent from any member of the Board to this most important ruling. I should have been on guard against such apparent liberality, but I was not. On the face of it, this ruling proclaimed my innocence. It was an open declaration by your Board that Funk had testified falsely in Springfield and in Washington. It was an official admission of the validity of my claim that I was not in Chicago at the dates set by Funk for the alleged second interview. It was an affirmation of my veracity and of Funk's untruthfulness.

I should have known that my prosecutors were not influenced by any motive of fairness or liberality in thus admitting as a fact this most important point. I should have suspected that this seeming concession was inspired by a dread of confronting Funk with the plain proof of his impeachment in Washington. It soon developed that those on the Board who

had prejudged my case, then felt warranted in expelling me despite the fact that they knew Funk was a discredited witness, and that the sole motive in then admitting my alibi was to prevent the impeachment of Funk from appearing on the record.

I ask you to consider the astounding situation in which Funk found himself because of this admission that I was not in Chicago at or near the time of the publication of the Record-Herald editorial of February 15, 1911. In his original testimony before the Board, Funk had placed the date of the alleged second interview at a few months after the Union League conversation of May 27, 1909. His most specific statement was that it "was four or five months afterwards." He was compelled to admit that this was "a mistake," that he did not "catch the drift of the questions," etc. Funk then took refuge under the roof of the editorial of February 15, 1911, but that roof was now torn down by the Board with the consent of Funk's attorney. He therefore was again wandering in the indefinite period of "a few months after" the Union League Club conversation of May 27, 1909. He had completed the circle of inveracity.

FUNK'S FIGHT WITH FACTS

Funk was, in fact, committed to the "few months" theory. It was affirmed more than once in this testimony of his before your Board. Listen to him:

QUESTION: Had the matter become public before this second conversation?

MR. FUNK: No.

QUESTION: Did you later mention that conversation to anybody which gave it more publicity?

MR. FUNK: Yes; I mentioned it to Mr. Kohlsaas, a personal friend of mine.

QUESTION: How long ago was that?

MR. FUNK: That *was several months afterwards*, as I recall it. It was just about the time Mr. Hines came to see me the second time, and I connected those two things in my mind. (U. L. 21.)

Later in the same examination this occurred:

QUESTION: Mr. Funk, was this conversation you had with Mr. Kohlsaas before or after the first Senate investigation took place in Washington?

MR. FUNK: *It was before.*

Referring to the official record of the Dillingham Committee (page 553) we find this illuminating testimony:

SENATOR JONES: How long after your talk with Hines did this conversation with Mr. Kohlsaas occur?

MR. FUNK: I cannot fix the date definitely; but I think it was several months.

And on page 551 of the Dillingham Committee record:

SENATOR FLETCHER: Was it (the Kohlsaas conversation) a year after the conversation with Mr. Hines?

MR. FUNK: No; I think not. It may have been a few months afterwards.

A member of the Board, who doubtless perceived the desperate situation thus confronting Funk, asked him these questions:

"QUESTION: You gave this same testimony several times under oath, have you? ANSWER: I have twice.

QUESTION: Twice when? ANSWER: Before the committee at Springfield, Illinois, and before the Lorimer Investigation at Washington. . . .

QUESTION: Have you any occasion to change anything which you have stated under oath at these investigations in which you made statements under oath? ANSWER: No."

In view of the fact that it was evident that on this occasion Funk purposely changed the testimony in regard to the date of the alleged second conversation so greatly, is it not most significant that a member of the Board should put the above questions to him? It is perfectly evident that the member of the Board had noticed the tremendous discrepancy in this respect, and was trying to straighten Funk out, and give him the opportunity to reconcile these various statements if he

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could. It is evident that Funk either did not catch the significance of the member's question, or did not care to avail himself of the generous opportunity thus afforded him.

Afterwards, on January 2, 1912, at the first hearing of the Board at which I was present, the whole of his testimony given at the private hearing before the Board on November 13, 1911, was carefully read over to Funk and when that reading was completed the following occurred:

"A MEMBER: Mr. Funk, if you have any corrections to make in this statement, or anything to add to it, you are at liberty to do so now." (U. L. 24)

The puzzled and apprehensive member was still trying to help Funk out, but the latter stuck to the story which then seemed most helpful to him, and said:

MR. FUNK: That statement is substantially correct. There appear to be a few little grammatical errors that are of no consequence. The statement is substantially as I made it.

QUESTION: You have nothing to add to it now?

MR. FUNK: No, sir. (U. L. 24)

No, Funk had *nothing to add about any editorial*. He now had good and sufficient reason to fear making any attempt to connect my alleged second visit with any editorial in view of the evidence before the Dillingham Committee. After his failure to make out what his attorneys considered a sufficient case by his testimony as given at the secret hearing of November 13th, Funk was later forced to select still another new date, with results most disastrous to him, as you will learn.

THE CASE IS FORMALLY CLOSED

Upon the completion of the testimony on January 3, 1912, the Chairman announced that the arguments of counsel upon the evidence presented were in order, and that "it was the desire and intention of the Board that at this time the matter should be closed up." (349.) My counsel, urging the pressure

that he had been under in being suddenly called into the case with no opportunity to marshal the evidence, asked that an adjournment be taken to some other day, so as to enable him to complete his references to the testimony and tabulate the exhibits, and thus better prepare himself to argue the case. In response to this request the following occurred:

"THE CHAIRMAN: If there is no suggestion of any further testimony that you seek to offer——

"MR. EATON: No.

"THE CHAIRMAN: I mean beyond that that we have heard.

"MR. EATON: That testimony is entitled to——

"THE CHAIRMAN: Excuse me. No more witnesses?

"MR. EATON: No, I am through.

"THE CHAIRMAN: Then we will consider the matter."
(351-352.)

Having thus carefully committed us not to produce any more witnesses, the Board, after a conference, announced through its chairman that the arguments would be postponed to January 13, and an adjournment was thereupon taken to that date.

Upon the reconvening of the Board on January 13, 1912, the arguments were heard, Mr. Scott arguing the case on behalf of Mr. Funk, and Mr. Eaton presenting the argument in my behalf. The fact that I was not in Chicago from February 7 to March 5, 1911, having been conceded at the previous hearing, Mr. Scott, in his final argument, made no claim that the alleged second talk occurred within a day or two after the editorial of February 15, 1911, as previously testified to by Funk before the Helm and Dillingham Committees, but based his argument wholly upon Funk's *changed testimony*, as given in the secret session of November 13, 1911, in which the time of the alleged second talk was variously fixed by Funk at times long antedating any editorial relating to the matter. To quote Mr. Scott:

"Mr. Funk in his testimony first said he thought it was

four or five months after the first conversation that Hines came to see him. Later he said he thought it was longer than that, but that he could not fix the time definitely; . . . it was about that time that he mentioned the matter to Mr. Kohlsaas. . . . Before the Dillingham Committee he testified it was a few days after the publication of the Record-Herald editorial, but he said he had not read the Record-Herald editorial before Hines visited him." (403.)

You thus see that at this stage of the proceedings (which was supposed to be the closing of the case) Funk's case rested squarely upon the proposition that this alleged second talk occurred four or five months after the first talk, or at the time that he first told Kohlsaas about the matter, which we have seen was about a year or more before the investigation of the United States Senate Committee (known as the Burrows Committee), and is not and could not be associated with the publication of any editorial.

FIRST HINT OF A NEW EDITORIAL

Attorney Scott closed his address with a vague hint which puzzled Mr. Eaton and myself. It was a hint that the Record-Herald editorial of February 15, 1911, was not the one that Funk had in mind. In this connection Mr. Scott said:

I have only this to say on that point further: It is merely the association of the fact that the editorial probably induced his coming that led Mr. Funk to use it as a basis at all for fixing the time of his coming, and he said that he had not read the editorial at the time he came. Nor is it anywhere fixed definitely that *the editorial to which he (Funk) refers means that of February 15*. If that was not the first editorial in which reference to the \$100,000 going to Springfield appears, *then the (Hines) alibi is absolutely of no value*, and I submit to you, gentlemen, if there is a possibility of these things being settled upon that question—even at personal inconvenience to yourselves—in order to enable Mr. Eaton to make any reply he can, the question I submit in all fairness should be opened whether that was the time or not. (U. L. 414)

Mr. Eaton called attention to the fact that it had been agreed that February 15th was the date in question. Chairman Sidley then made a remarkable statement: "*If such agreement was made, then I say the case should be reopened.*" And this in the face of the fact that the case had formally been closed!

What then followed? The case was not *then* reopened. Mr. Eaton was told to make his argument for my defense, which he did.

What was in the minds of those who had prejudged me? What was back of that veiled suggestion that the alibi proved in Washington was valueless? What was the meaning of these mysterious hints that there might be another editorial?

Upon the completion of Mr. Eaton's argument the Chairman said:

"Mr. Eaton, will you and Mr. Hines remain in the club house during the dinner hour in case we should wish to say anything?"

We supposed that we were asked to remain to hear the decision and we thereupon retired from the room at 6:30 p. m., and were called back into the board room at 9:26 p. m., when to our intense surprise the Chairman made this statement: (489.)

"THE CHAIRMAN: Mr. Eaton, this matter of the so-called alibi has taken on an importance in minds of the Board which seem to justify some further consideration of it. At the time that the testimony was put in there was a statement made to you that for the purposes of the hearing it might be considered that Mr. Hines *was* absent on certain dates from the city of Chicago, and certain witnesses of yours were excluded on that ground. The matter has now assumed *as the result of the argument* an importance which in the minds of the Board justifies them in reconsidering that point and *reopening* the question, the *whole question*, relating to Mr. Hines' presence or absence and also—and any light that may be thrown upon that by the introduction of evidence on the other side."

What happened during that secret session of your Board has not been disclosed to me. Under the rules of the Club a

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two-thirds vote of the Board is necessary for the expulsion of a member under charges. May the inference be properly drawn that two-thirds of the Board declined to vote against me on the evidence which had been submitted when the case had thus formally been closed? It is a certainty that had those on the Board opposed to me been able to muster the votes required to expel me, they would not have adopted the desperate expedient of reopening a case after the arguments had been heard, and the case taken under consideration.

SPRINGING THE NEW EDITORIAL OF JAN. 20

A few moments later, Chairman Sidley revealed the vital feature of the new case which the prosecution had framed. He informed us that Attorney Scott had knowledge of "an editorial which appeared at an earlier date than the one which was referred to as the editorial of February 15," and despite the earnest protest of Mr. Eaton that the case had been closed, Chairman Sidley ruled that it was not closed, and instructed the Secretary to read a new Record-Herald editorial of January 20, 1911, which he did, as follows:

"WHO GOT THE \$100,000 LORIMER ELECTION MONEY? Said Senator Burrows: 'There is absolutely no proof in this case, direct or indirect, from which a legitimate inference could be drawn that a single member of the General Assembly was corruptly influenced to vote for Mr. Lorimer.'

"This is a sweeping assertion, and, while it may indicate that Senator Burrows himself is innocent-minded and without guile, we fear that it goes rather too far to find ready credence even among humble, untutored persons. The Senator's trust and distrust are equally notable. He believes in Lorimer and the Lorimerites. He lumps White, Link, Beckemeyer and Holstlaw together and declares that 'it is obvious that there is nothing in the statements of any of one of them or in the statements of all of them taken together which would justify a conclusion that their testimony as to bribery is true, or could be relied upon in a matter even of minor importance.'

"These men, acting at different times, under different

circumstances and impulses, piled up the evidence and sustained one another's testimony, but that is nothing. Holstlaw, who convinced many who might have doubted, told a story, according to the Senator, that was impossible of belief. He destroyed his own good reputation, ruined himself for the fun of the thing.

"The Senator overshot the mark in his enthusiasm as a leader of a great and noble cause. The purse was raised —\$100,000. Holstlaw named his share of it, the bills he speaks of went to a Chicago bank, he is confirmed by the record of the bank's deposits.

"But the innocent Burrows remains adamant. What does he think become of the money. Who got it and so prevented its corrupt use in the Legislature?"

Attorney Scott, who produced that editorial, and who doubtless knew of it before the hearings started, did not introduce it in evidence when it would properly have been admissible, did not refer to it in the argument which he had made that very day, and claimed in that argument that Funk must be a truthful witness because he could not fix the date of the alleged second conversation.

ASTONISHING IGNORANCE

Chairman Sidley made an equally astounding contribution. He said that nobody had seen that editorial up to that time, and that the Board did not know what was in it (490). He also said that he did not know whether it was immaterial or material (494). And (495) "None of us know what is in this editorial at this moment; we are all entirely ignorant of what is in the editorial."

And yet, claiming not to know a thing about what was in that editorial he and the Board insisted that it should go into the record; and that there should be (490) "a reopening of the question, *the whole question*, relating to Mr. Hines' presence or absence." Bear in mind that the case had been finished; the arguments had been made, and we were asked to retire while "the jury," as we supposed, considered what verdict they should render.

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And after an interval of about three hours, namely, from 6:30 to 9:25, they evidently realized that the evidence which I gave and the concession that the Board had made that I was out of the city, not only at the time of the editorial of February 15, 1911, but from the 7th of February before that until the 5th of March after that continuously, so utterly discredited Funk in reference to the alleged second talk that he had had with me, that they could not possibly even risk carrying out their programme which they had to expel me; and that they must have something to relieve them from their dilemma; and they grasped at that straw, the January 20 editorial, and the Chairman, while protesting that he and the whole Board were ignorant of the contents of that editorial, ordered it to be filed as a part of their record. If it were true that they did not know the contents of that editorial at that time, what justification on earth could they have for making it a part of the record? None whatever. The irresistible inference is that they did know the nature of that editorial at the very time they were protesting their ignorance.

Here we have the situation of the evidence having been heard, the arguments made and the case in the hands of the Board for consideration for several hours, when, without any previous intimation to me or my counsel, the case is suddenly abandoned and a new line of attack made upon me—an attack based on an editorial never before mentioned or hinted at at any hearing. Was this new editorial introduced in the hope and expectation that I would not be able to disprove the said alleged second talk with Funk as fixed by *that* editorial?

FUNK REMINDED OF A DUTY

Feeling that an unjust attempt was being made to place me in a situation where it was hoped that I lacked the evidence with which to defend myself (and I then realized that a failure to establish my innocence conclusively meant that certain members of the Board would decree my guilt), I addressed the Chairman as follows:

"I feel, Mr. Chairman, very much concerned in this. I wish to say a word. This matter here is only of trivial significance as compared with Washington, which is a trial before a higher tribunal. Mr. Funk and his counsel have settled his testimony in Washington that the February 15 article was the article referred to. Now, gentlemen, you must take into account that it is not justice to me to bring this changed condition. If Mr. Funk was right, or thought he was right, should not his duty be to go to Washington and say: 'I have made a mistake, and in place of February 15 it is January 20?' Gentlemen, this thing tonight here is a serious matter to me personally. The trial at Washington is the great trial. He (Funk) went there, you remember, as a witness, and settled absolutely that the article of February 15 was the one on which he based his date.

"Now, you know that, gentlemen, and it applies just as much before the Helm Committee. I have not brought in new evidence here at all; not a word of new evidence. We settled on the 15th of February transaction, and I think that it is a great injustice to me to attempt to change that date after I have shown by everything here at hand, where I was prior to that, and everything else, and placed it before the Board. . . . Mr. Chairman and gentlemen, counsel for Mr. Funk has not taken advantage of that new evidence, since *he has not gone to Washington*, where duty should compel him to go. It does not show good faith."

Thereupon a member asked the question: "Mr. President, do I understand you have ruled this a part of the record, the editorial?" The Chairman said: "*The editorial is now a part of the record.*"

This was on Saturday, January 13, and after considerable argument my counsel asked for time to meet the new situation as presented by that editorial, and the Board adjourned to January 26, 1912. And then on January 26, without taking any testimony, they adjourned to February 15.

A MOST REMARKABLE PROCEDURE

What were we called on to establish in this session of February 15, 1912? By a peculiar coincidence the date was that of the famous editorial fixed by the Dillingham prosecution as

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the one which impelled me to hold the second conversation with Funk. Your Board had formally admitted that I was not in Chicago on that date. It had read into the record a new editorial, the one of January 20. You would think that I would be called on to defend myself against that; would you not?

Not a bit of it. Chairman Sidley openly repudiated his act and that of the Board in placing on the record the unequivocal ruling: "*It will be assumed for the purpose of this hearing that Mr. Hines was absent from the city during that time. (From February 7 to March 5, 1911.)*"

Consider the situation: Against our earnest protest I had been formally notified that I must bring evidence to combat the editorial of January 20, but I must first establish before the Board the alibi they had once admitted and which had conclusively been proved in Washington! I realize that this sounds impossible, but this actually happened within the walls of your Club.

Funk knew, Chairman Sidley knew, Attorney Scott knew and every member of your Board knew this alibi was valid and unassailable by any fair means. Why, then, did they insist that I should again prove what had once been admitted? Was it because of a faint hope that there might develop something in the presentation of my evidence which would serve as a pretext to convict me because of it? They did not doubt the truth of that alibi, but they hoped that there might be some slip which might afford a pretext for a verdict against me. In the probable event that the proof could not be ignored, they would then fall back on the new editorial of January 20. In the event that I refuted that date they would set others. In the event that I cleared myself on all the dates conjectured *they would expel me anyway!* This, I was forced to believe, was the premeditated plan, and *it was executed to the letter.*

I AGAIN PROVE THE OBVIOUS

The farce of compelling me to prove again the alibi relative to February 15, 1911, then began. We produced Mr. Edward

H. Thomas, who testified that ever since 1894 I had been attending to my personal matters, and had a system of keeping track of my absences from Chicago and of keeping a record of my departures from and returns to the city, and what I left the city for, and if telegrams or communications were received from me indicating my presence in some other place than my original destination, that a proper entry is made (p. 521-3). Those records were produced by Mr. Thomas with reference to the period in question, showing that on February 7, 1911, I left for New York and Washington, and returned March 5, 1911; and we showed to the Board other corroborative documentary evidence such as telegrams, etc. Mr. Nelson, my private secretary, then testified. He accompanied me from Chicago on February 7, and was with me the whole of the time that I was absent till March 5, with the exception of a day or so when I was in New York or Philadelphia. Mr. Nelson submitted his stenographic books, expense accounts, etc., and conclusively established my absence during that period. We also produced Mr. Toomey and Mr. Swift, and then introduced a large mass of evidence which I gathered at great expense of time and effort, and which proved so conclusively that I was not in Chicago from February 7 to March 5 that Funk and his counsel and the Board finally abandoned that indisputable point.

Later in the hearings, when Funk and his attorney were trying to fix the alleged second talk with reference to this other editorial of January 20, 1911, they produced the private secretary of Mr. McCormick, president of the International Harvester Company, for the purpose of showing by the secretary's diary that a conference was held upon the morning of January 20 between Mr. Funk, Mr. McCormick and Mr. Bancroft. It appeared from an examination of that diary that from February 5 to March 10 Mr. McCormick was absent from Chicago, and that Mr. Bancroft was also absent from February 13 to February 25, 1911, and also that Mr. Funk was absent from the city from February 19 to February 23, 1911. The significance of these diary entries (as thus revealed for the first time)

is apparent when it is remembered that Mr. Funk's testimony before the Helm and Dillingham Committees was that the alleged second talk with me occurred at the time of or within a day or two of the publication of the editorial of February 15, 1911, and that he informed Mr. McCormick of that alleged second talk on the same day that it occurred, and likewise informed Mr. Bancroft on the same day, and both he and Mr. Bancroft so testified before the Dillingham committee.

THE BOARD AGAIN ADMITS A TRUTH

It will thus be seen that Funk and the prosecution, both before the Helm Committee and Dillingham Committee, carefully concealed the diary evidence in their possession, which evidence disproved Funk's sworn testimony that this alleged second talk occurred within a few days after February 15, 1911, or anywhere near that time. On the hearing before the Board of this Club this diary was not produced until the prosecution and those behind it had first required us to put in our proof covering the period subsequent to February 15, and not until they became satisfied beyond a doubt that there was no loophole for escape from the fact that I was not in Chicago during the period in question.

In fact, Mr. Loesch (who succeeded Mr. Scott as Funk's attorney), in his final argument to the Board, said (p. 845):

"Mr. McCormick was absent from February 5 to March 10. Consequently the interview *could not have taken place in February at all*; it could *not* have been *after* the 15th of February." and (p. 846) he said: "I am assuming that the alibi proved in the case is *correct* and shows *continuous absence* (of Mr. Hines) from Chicago *from the 7th of February until the 4th of March.*"

So at last the Board and Funk and his counsel had to admit that I was right in the statement I made to them that I was not in Chicago during that period; that my evidence was true which established that point; and that the concession made by the Board long before ought to have stood, and that the re-opening of the case upon that point was an imposition upon

me of unnecessary expense and labor. This is another sample both of the shiftiness of Funk and his counsel, and also of the kind of treatment I received in those hearings. The great mass of evidence I produced is in the record of the Board and is supposed to be on file with the Board, and it is not necessary for me to repeat it here.

ANOTHER DATE ABANDONED

I quickly realized that I would be compelled to prove that I did not call at Funk's office on any of the days that I was really in Chicago. Even if I had thus called on Funk the mere fact would have proved nothing against me. His company was one of our customers, and conditions might have arisen which would have necessitated a personal conference with him. I held no such conference or any conference with him on any subject.

My records showed that I was in Chicago on February 6 and 7, and I assumed that it would be charged that I made the alleged call on one of these dates, though neither of them fell within the period of either editorial. I was able to show all of my movements on these two days, during every hour from the time I left my home in Evanston until I returned at night. My witnesses were gentlemen whose word could not be questioned, and the evidence contained in the record tells why no serious attempt was made to select one of these dates.

The diary of the movements of Mr. McCormick and Mr. Bancroft proved a serious stumbling block to the persecution. This diary showed that Mr. McCormick was absent from Chicago from February 5 to March 10, and consequently Funk could not have held his alleged conversation with Mr. McCormick on the February dates when I was in Chicago. As will later be seen, Funk and his friends were forced by that diary—a diary offered by them to fix a new date—to abandon all dates when Funk, McCormick and Bancroft were not simultaneously in Chicago. This proved very distressing to Funk.

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AS TO THE 15TH, 16TH AND 17TH OF JANUARY, 1911

I was in Chicago on those days, leaving for Washington on the 17th. Funk's side claimed that on the day of the alleged second talk Mr. Bancroft was in Chicago and that on that same day Funk told Bancroft about it, so that that second talk would have to be on some day when Mr. Bancroft was in Chicago. But the records and witnesses produced by Funk's side showed that Mr. Bancroft was not in Chicago on the 15th, 16th and 17th of January, and had not been here for some time before that and did not return here until after those dates. I also proved conclusively that the alleged second talk could not have occurred on the 15th, 16th or 17th. In fact, Funk's side never claimed that that second talk occurred on either the 15th, 16th or 17th. Notwithstanding all this, one member of the Board insinuated that possibly this talk might have happened on one of those days. But the moment his attention was called to the above facts in evidence he reluctantly had to drop that.

AS TO THE EDITORIAL ON JANUARY 20, 1911

After being compelled, by the irresistible force of the evidence which I introduced, to abandon one ground after another with reference to the time of the alleged second talk, Funk's counsel finally settled upon the sole proposition that it was not the editorial of February 15, but the one of January 20, which fixed the date of the alleged second talk.

At the close of the hearing held on February 15, 1912, in which I so successfully established my absence from the city during the period from February 7 to March 5, the Chairman made the following announcement: "So far as I can foresee, the next session of the Board will discuss the editorial of January 20 and its bearing upon this general situation. . . . It came up unexpectedly at the end of the hearing one day and in the mind of the Board and *some members of the Board* it ought to be investigated *for what there is in it*. I am not able to say *what* will develop after the *next hearing*, except it will regard this editorial of the 20th of January." (619) There-

upon the Board adjourned to February 17, 1912, at which time a change of counsel for Funk occurred and Mr. Frank J. Loesch appeared to represent him in lieu of Mr. Scott.

Mr. Loesch, in stating that he appeared as the attorney for Mr. Funk, said (620):

"I understand that the taking of further testimony is narrowed under some ruling of your committee in the past to any further information or facts which Mr. Funk may have to present to throw light upon the subject of a certain editorial published February 15, or prior thereto; a controversy especially relating to a certain meeting between—a certain call that Mr. Hines made at Mr. Funk's office. Now I am prepared to present evidence to the Board to throw light upon that subject. We are ready to go ahead."

"THE CHAIRMAN: Well, Mr. Funk is really recalled here at the suggestion of the Board to see if further light can be obtained upon the question that has arisen with reference to the second interview which he has testified to with Mr. Hines. . . . *The testimony as submitted* refers to the editorial of the *15th of February, 1911*, and at the hearing of the Board it was assumed that that was the only editorial, and that was the date, and the only editorial to which reference was made. It appeared at the last meeting, however, we unexpectedly, I think to members of the Board at any rate, were informed that there was *another editorial* on the *20th of January* which appeared in the Record-Herald, and which also referred to a \$100,000 fund. And it is for the purpose of having Mr. Funk, if he can, throw any light upon those two editorials, which of them, if either, he attempted to use for the purpose of fixing the date of the second interview, or any other explanation he may make to throw light on the question as to the date of the second alleged interview with reference to those two editorials."

"MR. LOESCH: I understand, Mr. Chairman, that is what is before the Board. Mr. Scott having—after the last hearing, I believe, Mr. Scott *found an editorial*, which will probably—which it will probably be developed here before the Board, was the editorial which Mr. Funk had in mind. I think I may proceed with the examination as before." (620-622.)

FUNK AGAIN SHIFTS

Mr. Funk was then called and gave evidence to square himself with the new situation with reference to the January 20 editorial, testifying that it was a day or two after the publication of *that* editorial that I appeared at his office and had this alleged second talk with him, notwithstanding that he had under oath most unequivocally placed himself upon record both before the Helm Committee and the Dillingham Committee that it was after February 15, 1911, that I called at his office and had this alleged talk with him, and that it was *within a day or two after the publication of the Record-Herald editorial of February 15, 1911.*

Before the Helm Committee he was questioned specifically with reference to the editorial of February 15, 1911. He knew that it was that editorial "that brought Kohlsaas to Springfield" to testify before the Helm Committee, and he specifically testified that the editorial that he had in mind was that very "editorial that brought Kohlsaas to Springfield." Copies of that editorial were in the hands of the members of the Helm Committee, and a copy of the same was incorporated in the printed proceedings of that Committee.

With two months intervening between his testifying before the Helm Committee and his appearing before the Dillingham Committee, during which time everybody became acquainted with the contents of that editorial, he again went on oath before the Dillingham Committee in Washington and was questioned and requestioned by attorneys on both sides and by various members of the Committee, with reference to the time of my alleged second talk with him, and *he positively and without qualification testified that it was a day or two after the publication of that editorial that I had this alleged second talk with him.* Copies of the Feb. 15 editorial were likewise in Washington before the Dillingham Committee, and a copy of it is incorporated in the published proceedings of that Committee.

Copies of that famous editorial were in the Congressional Library in Washington, in every library of consequence in the

nation, in every newspaper reference room. Funk, the instigator and the central figure of that editorial, was seemingly the one man who never had seen or read it.

Not only did Funk at this late date—and after the testimony had all been put in and the hearings before the Board apparently closed—come in and radically change his story in the face of his sworn testimony as above indicated before the Helm and Dillingham Committees, but he nonchalantly disregarded his testimony given at the secret session of the Board on Nov. 13, 1911, in which he stated that the second alleged talk occurred just a few months after the first talk; four or five months after the first talk; in the fall of the same year as the first talk; that it was at the time that he first spoke to Kohlsaat about it (which was before any editorial had appeared upon the subject); that it was before the investigation of the Burrows Committee (which was also before any editorial in question had been published), and, as stated by him before the Dillingham Committee at one time, that it was just “the other day after the first talk.”

RECORD-BREAKING RECKLESSNESS

In thus sweeping aside his testimony as previously given before the Board, he necessarily swept out of consideration the argument of his former attorney Mr. Scott, which, as I have shown, was based upon that testimony as given by him at the secret hearing. Did the parties interested in having me excluded from the Club feel that the entire case as made by Funk's testimony as it originally stood was too flimsy and unbelievable to afford a pretext for my expulsion, and at the eleventh hour made this radical shift?

As soon as Funk took the witness stand his new counsel showed him the editorial of Feb. 15, 1911, and asked him when he first saw it, and he calmly and coolly swore that the *first time* that he ever saw that editorial was when it was called to his attention by Mr. Bancroft (the attorney for his company) “upon my return home after the last Union League hearing.” (623)

I ask you in all candor, can you believe this remarkable statement, in view of the fact that this man had been before the Helm Committee and the Dillingham Committee and had given his testimony under oath in regard to this alleged second talk, and had fixed the time of that alleged talk *with reference to this specific editorial of Feb. 15?* Don't you believe that before he gave his testimony on either of those occasions, and while he was searching his mind and conferring with others in reference to the fixing of the time of this alleged second talk, that he not only *saw* the editorial of Feb. 15 but that he carefully examined and read the same?

As reckless in testimony as the records show this man to be, do you believe that he could be so foolishly reckless or that the attorneys representing the prosecution would be so careless as to permit him to take the witness stand and testify with reference to this editorial of Feb. 15 without first showing it to him and having him familiarize himself with its contents? Can you believe that this man, without having seen that editorial, would go upon the witness stand or be permitted to do so and select this specific editorial as "the editorial that brought Kohlsaats to Springfield," when Kohlsaats and everybody else connected with the prosecution asserted that "the editorial that brought Kohlsaats to Springfield" was the editorial of Feb. 15, 1911?

Can you believe that this man (having intelligence enough to be the manager of a large corporation) and who had taken the stand of a bitter partisan in the Lorimer matter could be in ignorance of the contents of the editorial of Feb. 15, which by that time was familiar to the reading public, and which everybody knew was the editorial that brought Kohlsaats to Springfield?

SOME BEWILDERING CHANGES

In addition to the many instances of the reckless swearing and shiftiness of this man as revealed so far in the various records, I call your attention to another specimen right in this connection of Funk's entire willingness to change his testimony from one thing to another in compliance with what he

thinks is required of him in order to gain a point. Thus, at one time before the Board he said (p. 624): "The editorial of Jan. 20 * * * is familiar to me, but I would not undertake to say that I remember specifically having seen that editorial shortly after Mr. Hines' visit, but I can say in that connection that I have no recollection of having seen the Feb. 15 editorial. * * * But I do not undertake to say—I do not want to be understood as saying that I remember specifically that that (the Jan. 20 editorial) is the editorial I saw a few days after Mr. Hines' visit." Later on Funk's attention was again called to the editorial of Jan. 20, and this occurred:

Q. Well, giving now your best recollection as to connecting the interview of Mr. Hines in your office in the Harvester Building, would you say that that was the editorial which you saw shortly after that?

MR. FUNK: I would not say specifically that it is. I would say that it is my *impression* that it is, but I have not sufficiently sharp recollection of that to justify me in saying specifically that is the editorial. (625)

Funk's counsel was doing his best to get Funk to swear that that *was* the editorial. Funk on those two occasions evidently did not realize that. His counsel, apparently discouraged by Funk's failure to respond to the requirement, dropped the matter for the time being, but some time afterward tried it again, with this desired result:

Q. From the testimony you have given referring to an editorial, *from which editorial you fix your best recollection of the interview with Mr. Hines*, what is *now* your best impression as to which editorial you referred to?

A. It is my *distinct recollection* that it was the editorial of Jan. 20, 1911! (p. 629.)

What do you think of that? And he later was forced to retreat and to say that he would not attempt so to specify it.

Another thing: At all times when Funk gave testimony with reference to any editorial as a basis for the reckoning of the time of the alleged second talk, he without exception said

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that it was within a day or two *after* or shortly *after* such editorial, and in this Union League Club hearing this occurred:

Q. You have always said that you know that this visit of Mr. Hines was after the publication of the Record-Herald editorial?

MR. FUNK: That has been my impression, yes, sir.* * *

A MEMBER: May I ask, do you undertake to say definitely and positively * * * whether Mr. Hines' visit was before the publication or after?

MR. FUNK: No. * * *

Always having claimed under oath that it was after an editorial, he insinuates now that it might have been *before*. And yet Funk and the prosecution have always claimed I saw an editorial and because of that went to see Funk. Another illustration of Funk's ability and willingness to shift position under the slightest pretext.

THE FATAL DIARIES

After the introduction of the editorial of Jan. 20, Funk's side undertook to fix that very date, Jan. 20, as the date of the alleged second talk. To do this they called Clyde S. Stillwell, the present personal Secretary to the general counsel of the International Harvester Company, and who in January, 1911, was Secretary to the President of that Company. This young man had with him a diary and it showed certain conferences of Mr. McCormick with Mr. Funk and others, and he was asked whether he had "any memorandum, and if so you may read them opposite to the dates which they are written."

A. January 20, conference C. H. McC.; C. S. F.; E. A. B.; L. case.

Q. Interpret those, please.

A. Cyrus H. McCormick; C. S. Funk; E. A. Bancroft; Lorimer case.

Q. "L. case" stands for "Lorimer case"?

A. According to my records, yes. (p. 677.) * * *

Q. January 20, what does it show there?

A. Conference C. H. McC., C. S. Funk, E. A. B.

Q. Any other on that day?

A. No, sir.

Q. You have some character, stenographic character, there to show conference and then—as a joinder on the name “C. H. McC., C. S. F. and E. A. B.”—you have two shorthand characters. What are those?

A. “Lorimer case.”

Q. When did you make that entry?

A. *On that day.*

Q. At whose direction? Anybody’s direction?

A. No. (684-5.)

Q. How did you come to make it?

A. Why, sometimes in the course of this book—sometimes I have put down the subject of conferences with Mr. McCormick and Mr. Funk and any one else who attended the meetings. I did not always know the subject of their conference, and I do not know why I put that there except that I must have known the subject of that conference, and I think that is the *only entry in this book* in shorthand. And—because it was not my practice to put these things in here in shorthand. And the only reason I could put that in shorthand was I did not want anybody else to know what it was, of course.

Q. Was it made on that day?

A. Yes. * * *

Q. Are there any other conferences that day in which Mr. Funk participated shown?

A. None. * * *

Q. Mr. Stilwell, on January 20 you have made a shorthand memorandum, as I understand it?

A. Yes, sir.

Q. Which you say now indicates “L. C.” That is the shorthand notes, the full name being the Lorimer case?

A. Well, it is written out in shorthand, yes, sir.

Q. The name is written out?

A. Yes, sir.

Q. Were you present at that conference, Mr. Stillwell?

A. No, sir.

Q. Who gave to you the information that the Lorimer case had been talked about?

A. I don’t know, sir. I haven’t any recollection on the subject at all. * * * (697)

He said that sometimes when he would be notified to call a

conference the subject matter of the conference would be told him by Mr. McCormick, and he was asked this question :

Q. Did he give you the subject of the conference? That is, did he say what it was about, any more than just to mention the name of Lorimer, *if* you can now recall it?

A. No, I haven't *any* recollection of it.

Q. That entry does not refresh your recollection further than a mere entry, does it?

A. *It does not refresh my recollection at all.*

Q. It was made at the same time as the rest of the entries?

A. Sir?

Q. Was it made at the same time as the rest of the diary was made?

A. Yes, sir. (698)

(If the entry did not refresh his recollection at all, how could he tell when it was entered, and how could he say that it was entered at the same time as the other entries which applied to different dates than this one? It was evident he could not, and afterwards his claim in this respect was repudiated by Funk's counsel.)

FUNK HAS A RIVAL IN HIS OWN OFFICE

Shortly after these statements were made, the Board adjourned to eight o'clock in the evening, when Mr. Stillwell resumed his testimony, and Funk's attorney asked him when he had last seen those stenographic characters before "this morning," and he answered :

A. A short time before this when I made up that memorandum of Mr. Bancroft's movements. * * * I do not have any recollection of seeing it at all before that. Apparently it is made in blacker ink than possibly any other letter except E. A. B.

Q. Would that indicate to you that it was made at any *later* date?

A. No, sir. (This means that it was not entered later than the 20th.)

Q. Have you any independent recollection of it at all as to when it was made?

A. *No, sir; I have not.* * * *

Q. Are you certain or not as to whether that character was put there * * * on the 21st of January or some subsequent time?

A. I feel certain they were put there on the 21st * * * by myself. * * * (703)

Here is a contradiction between what he had said before the adjournment, when he claimed that it was entered on the 20th, and did not indicate that it was entered at a later date. The witness further said:

Q. What memorandum made in the Lorimer case, what did you have in mind when you put down the word "case"? * * *

A. I have no recollection except that there was such a thing as the Lorimer case.

Q. I notice also that the ink on that memorandum is a little darker than the other right on that page. How do you account for that?

A. *I cannot account for it.* (708)

You will see that a little later on Funk's counsel abandoned that proposition also and shifted the date again and made it Jan. 21, and Funk's counsel, after I had shown that I was not in Chicago on the 20th of January, 1911, repudiated the correctness of the entry indicated by the stenographic characters referred to, and admitted that those stenographic characters *must have been entered at a later date than the witness testified!* And Attorney Loesch said (608) in his argument to the Board that "that entry in the diary of the 20th, that shorthand note which to me looks as if it was made some days afterwards. * * * It is not connected with the Hines visit, which was not on the day of the editorial because it is quite certain that he was in Washington on that day. * * *"

This admission of Mr. Loesch's was not made out of any spirit of fairness to me, but because the indisputable evidence which I had introduced showing that I was not in Chicago on that day annihilated any claim that this alleged second talk occurred on the 20th of January, and he saw that he would

utterly have to abandon that proposition. And he did abandon it, and again the prosecution shifted its ground and took up still another date for the occurrence of this alleged second talk as being the 21st of January.

THE LAST STAND—JANUARY 21

On this date the prosecution took their last stand. Their stock of dates had run out, and now it was with them the 21st of January or nothing; and at the conclusion of the hearing counsel again argued the case, and (869) Mr. Loesch said: *"You can not get away from that interview as having taken place on the 21st of January!"*

Please keep in mind that when the prosecution shifted its ground and attempted to fix the alleged second talk with reference to the January 20th editorial, they produced for the first time diaries kept by the President's Secretary, Mr. Stillwell, which I have heretofore mentioned. These diaries showed the movements and appointments of Mr. McCormick and Mr. Bancroft. Funk's counsel, to sustain his claim that the alleged second talk occurred on the 21st day of January, and that there was no escape from that proposition, in his argument to the Board (853) claimed that I went to see Funk on the morning of the 21st of January, and that Funk was in a hurry to go into a meeting. "And now Funk was in a hurry. As he says, he was in a hurry to go into a meeting. The diary of that day distinctly shows that Mr. Funk had to attend a meeting on the 21st with Mr. McCormick."

This was a distinct misrepresentation of the evidence. The only date stated in the diary in reference to this conference was Jan. 20, and *not* Jan. 21. When Stillwell, the private Secretary, was on the stand testifying in regard to this diary and the entries therein, this question was put to him:

Q. What was shown there on the 21st with reference to Mr. Funk?

THE CHAIRMAN: Confine your showing to anything that relates to Mr. Funk in the memorandum there. * * *

A. *There is nothing here with Mr. Funk on Jan. 21.*
* * * (686)

Q. *You say there is nothing there of any conference with Mr. Funk and Mr. McCormick on the 21st?*

A. *No, sir.* (688)

Was not this a deliberate, intentional and wilful attempt on the attorney's part to mislead the Board? If not, what was it? If the diary proved anything *it was that the conference was held on the 20th.* Attorney Loesch having abandoned that, uses the same entry in the diary to support his claim that the conference occurred on the 21st. But to do that he had falsely to represent that the diary showed a conference on the 21st, in the face of the fact that the Secretary, with the diary before him, swore that there was no entry in the diary, and showed that there was no conference of Funk and McCormick on the 21st, and the diary itself shows the same fact.

SHATTERING THE NEW DATE

This latest dodge of the prosecution in jumping from the 20th of January to the 21st made it necessary for me to show where I was on the 21st, and although it was late in the evening the Chairman of the Board directed that I proceed with whatever evidence I had at hand to meet the new situation, thus invented and unexpectedly thrust upon me. My counsel thereupon recalled Mr. Edward H. Thomas (p. 712) who had testified before in regard to the record that is kept by him of my absences out of the city.

He was asked if that record which he kept showed where I was during the month of January, 1911, and he stated that it did, and that that record and slips which he produced showed that on January 7, 1911, I left for Washington, and that on January 15, 1911, I returned to Chicago; that on January 17, 1911, I left for Washington, and that on February 5, 1911, I returned from Washington to Chicago.

He showed from these records and slips that on the 3rd of January, 1911, I left Chicago for St. Paul, Duluth and Winton, Minnesota, and returned to Chicago on the 7th of January; that from January 7 to January 15 I was in Washington; that

from January 17 to February 5 I was in New York and Washington; that from February 7 and March 5 I was in Washington and the East, and that from March 6 to March 12 I was in the West again. These records and slips were introduced in evidence before the Board, and Mr. Thomas testified that this system of keeping a record of my whereabouts goes back to the year 1894.

C. R. Nelson, my secretary and stenographer, who had also testified before, was again called (p. 719), and testified that he accompanied me on the Washington trips, which are shown on the records testified to by Mr. Thomas, and that I was absent from Chicago from January 17 to February 5, 1911, as shown by those slips. He testified that he and I arrived in Chicago from Washington on Sunday morning, the 5th of February, and that we remained here on Sunday and Monday and part of Tuesday, when we again returned to Washington, which would be on February 7, and that we again returned to Chicago on the 5th of March, 1911. He also testified to the expense accounts which he kept during these periods, and which were introduced in evidence.

I also took the witness-stand that evening, and testified (p. 786) that I left Chicago on January 17, 1911, and returned on February 5, 1911, and that I was not at any time in Chicago between those two dates. I stated (p. 788) that I arrived in Chicago on the morning of February 5, and was here all day the 6th, and left the afternoon of the 7th. I showed by telegrams sent and received by me while in Washington that there was a Continental and Commercial National Bank annual meeting on the 7th of February, and it was for the purpose of being present at that meeting that I returned from Washington to Chicago on February 5; that I left Chicago for Washington on the 2:45 P. M. train of February 7, and did not return to Chicago again until March 5, 1911.

UNANSWERABLE PROOF

I introduced in evidence certain business telegrams received by me in Washington on the 18th and 19th of January, that

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were sent by Mr. C. F. Wiehe, and a telegram sent by me to Mr. Wiehe on the 19th of January, while I was at the New Willard Hotel in Washington, D. C. These telegrams are as follows:

(On Postal Telegraph blank:)

22 Pd 86
5 PO 104 PK VS

January 18, 1911.

Edward Hines,
C/o New Willard,
Washington, D. C.

Cook here claims you were to give him your decision. Wants see me this afternoon. What do you intend doing with him?

C. F. WIEHE.

(On Postal Telegraph blank:)

6 Wis 146 PK HF

50 pd 1.70

January 19, 1911.

Edward Hines,
C/o New Willard Hotel,
Washington, D. C.

Can't hold Cook off. He will do something immediately. Figuring sell small holders. Think you should tell him you will or can't do anything. Offers take year's note five per cent clearing up Seine River stock in all about forty-seven hundred shares. Think shall buy it get rid of him.

C. F. WIEHE.

(On Western Union Night Letter blank:)

4 Wu. K. 59 Coll Letter 20th

Washington, D. C., Jany. 19th-11.

C. F. Wiehe,
Chgo.

Tell Cook you expect I be back so can telephone Saturday. Say you cannot possibly do anything until you get hold of me but judging our recent purchase St. Croix don't see how we can do anything. Suggest possibly company buying stock at annual meeting First February. Will try telephone you tomorrow from New York ten o'clock western time office.

EDW. HINES.

8.25 A. M.

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TELEGRAMS OF THE CRUCIAL DATE

I also introduced in evidence a telegram sent by me on January 21 from Washington to E. H. Thomas, which was endorsed by the Telegraph Company as being received in Chicago at 2:25 P. M., which telegram is as follows: (795)

(On blank sheet:)

9 Wu. K. 26 Collect.

Washington, D. C., Jan. 21st-11.

E. H. Thomas, Chgo.

Have you sent daily reminders to Washington Senate?
If not send by express care New Willard and about fifty extra. Will try distribute from here.

EDWARD HINES.

2.25 P. M.

And I also introduced in evidence a telegram in reply to the above, sent by Mr. Thomas to myself at Washington on January 21, as follows: (795)

3 PO 240 PK ff 13 Pd 59

Jan. 21st, 1911.

Edward Hines,

C/o New Willard Hotel, Washington, D. C.

Reminders sent January twelfth to Chas. E. Ward then via American Express tracing.

EDWARD H. THOMAS.

Chg a|c.

The "Daily Reminders" mentioned in these telegrams are diaries prepared and circulated by our company for advertising purposes, and are popular with those who are methodical in recording engagements and important daily happenings.

I also introduced in evidence a telegram sent to me and which I received at Washington on January 21, as follows: (796)

V 205 CH AP 34

Jan. 21, 1911, 2:50 P. M.

H I Chicago, Ill. 21.

Edward Hines,

C/o New Willard Hotel, Washington, D. C.

Cloquet wires if Virginia Rainy Lake meeting will be held first or postponed. Answer Cloquet Lumber Co.,

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Cloquet direct. Judge Cochrane desires to know when Hines meeting will be held he will be here Monday.

EDWARD HINES LBR. CO.

(Pencil figures: "464 2.53.")

Also another telegram which I received on January 21 in Washington, as follows: (796)

I PO K 5 HK VM 13 pd 59
Jan. 21st, 1911.

Edward Hines,

C/o New Willard Hotel, Washington, D. C.

Bronson Portland wires Ostrander advises of important wire please repeat as not received.

EDWARD HINES LUMBER CO.

Chg A/c.

This series of telegrams show upon their face that they were in the regular course of business, and that my business force in Chicago knew I was in Washington and for that reason were telegraphing me there, and my replies showed that I was there, thus establishing that fact beyond all question.

PILING PROOF ON PROOF

I also produced and introduced in evidence a memorandum dated January 22, addressed "Mr. Law." I dictated that and showed that I dictated it at Washington. It is as follows (on the "New Willard" letter-head, which was the name of the hotel at which I was stopping in Washington):

Washington, D. C., Jan. 22, 1911.

Mr. Law:

Please make record of the attached and put on sheets for my book, forwarding to me here if I do not reach Chicago the first of the week.

Yours very truly,

EDWARD HINES. (797)

This is a memorandum that I made the same Sunday that I went to Baltimore (as will hereafter appear from the evidence), and which I left for the guidance of Mr. Law.

I also introduced in evidence the following telegram which I received at Washington on January 23, 1911: (798)

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January 23, 1911.

Edward Hines,

Care New Willard Hotel, Washington, D. C.

Cusson Virginia wires Hornby California wishes know positive date meeting. Lindsay says thinks Weyerhaeuser likes have meeting tenth fifteenth so Hornby have more time west. We ready first. Wire Lindsay Duluth today your decision.

EDWARD HINES LUMS. CO.

Chg A|c.

In compliance with the last mentioned telegram to me, I on the same day from Washington sent Mr. Lindsay a telegram which I introduced in evidence, as follows: (798)

9 as f 1.25 p
Jan. 23, 1911, Washington, D. C.

Geo. F. Lindsay,

Terrey Bldg., Duluth.

Notify Cloquet telegraph Hornby postpone annual meeting Virginia until February fifteenth.

EDW. HINES.

(Notation on same: "48 c.")

And on the next day (799) I received another telegram from George F. Lindsay in acknowledgment of the one I had sent him, which I also introduced in evidence, as follows:

V 73 CH LZ 24
Duluth, Minn., 24 Jan. 24, 1911, 11.45 A. M.

Mr. Edw. Hines,

Washington, D. C.

Telegram advising postponement annual meeting Virginia to Feby. fifteenth and received and proper notices covering same are today being sent out above duplicate Chicago.

GEO. F. LINDSAY.

(Notations on same: "Jan. 24, 11 11.45 A. M.

See if Ans. 11.54 a. m. 1155 214 1150.")

In addition to the foregoing telegrams I introduced in evidence before the Board scores of telegrams and letters sent and received by me daily in the usual routine of business during the entire period from the time I left for Washington

on January 17, 1911, until my return to Chicago upon the 5th of February (some of which documents are to be found in the record from page 792 to page 831). All these showed the usual course of business transacted with and by me when I was absent from Chicago, and if any of those telegrams were not correct it was very easy for the prosecution to have shown it by the records of the telegraph companies.

This concluded the evidence again, and the hour being late on Saturday evening, an adjournment was taken to 12 o'clock M. the next day, Sunday, February 18, 1911.

LOESCH DISCOVERS "A MOUNTAIN PEAK"

Upon the convening of the Board the next day, Mr. Loesch in behalf of the prosecution made the opening argument. His argument was on an entirely different theory from the argument made by his predecessor, Mr. Scott, when the case had been before closed.

Mr. Scott, you will remember, argued that this alleged second talk occurred a few months after the first talk at the Union League Club (which was May 27, 1909), or "four or five months after," or at the time Funk "first spoke to Kohlsaas" about the matter, and which was not and could not have been connected in any manner with any editorial.

However, under the new case that the prosecution attempted to make at the last moment by the springing of the January 20 editorial and recalling Funk to have him change his former testimony to meet that new situation, Mr. Loesch stated at the very outset that "*it (the January 20 editorial) is a mountain peak, because around that centers the truth or falsity of Mr. Funk's statement applicable to the controversy.*" (841) "We have fixed the editorial of January 20 because we have produced it and the date of its publication is established and *it answers all the conditions* that Mr. Funk had in mind as he testified here before you. Now, that is the crucial point. It was before or it was after. *It was immediately after.* Or it was a day or two after, or it was around that. You can read

and re-read the testimony and you will find it always comes back to that point. *Now, that is our fixed point."*

Note that Mr. Loesch repudiates Funk's testimony as first given before the Board and Scott's argument based upon the same, fixing the alleged second talk not later than the early fall of 1909, and now places the said second talk about a year and a half later, to fit in with the editorial of January 20, 1911, and *Funk's revised testimony in regard to the same!*

Mr. Loesch then proceeded to annihilate the sworn claim made by Funk before the Helm and the Dillingham Committees, and to approve of the honesty and truth of my claim as made before the Dillingham Committee that I was not in Chicago from February 7 to March 5, 1911, as follows:

MR. LOESCH: I put in evidence, or we put in evidence yesterday, the dates in Chicago of the times when Mr. McCormick, Mr. Funk and Mr. Bancroft were in Chicago together, and when they were out of Chicago. And I have the diary here covering from Jan. 15 to March 10. Now, all three men were in Chicago daily from Jan. 15 to Feb. 5 at 2.30 P. M., Feb. 5 being Sunday. And Mr. McCormick was absent from Feb. 5 to March 10. (845)

Mr. Loesch, however, did not correctly quote the evidence as to the presence of these men in Chicago between these dates; the evidence being as testified to by Stillwell, the former Secretary of Mr. McCormick and the present Secretary of Mr. Bancroft, and by the diaries of McCormick and Bancroft introduced in evidence. The diary of Mr. Bancroft shows that he left Chicago on January 11, for New York, on the Twentieth Century Limited, and was there on the 12th, 13th and 14th of January, and was, on January 15, 16, 17 and 18, in Washington. As to Mr. McCormick, his diary shows that on January 12 he went East, and that he returned to Chicago at 11:30 a. m. January 16. The diary next shows that on Sunday, February 5, Mr. McCormick left for New York, and that he did not return until March 10 (682-683). Continuing, Mr. Loesch said:

Consequently *the interview could not have taken place in February at all.* * * * And during that time Mr. Hines was absent from Chicago from about the 7th of February until—into March. So that with reference to that editorial I am assuming that *the Hines alibi proved in the case is correct* and shows continuous absence from Chicago from the 7th of February until the 4th of March. (846)

Mr. Loesch then pursued his argument with reference to the January 20 editorial, and said:

Now, let us see if we can bring to mind the situation with reference to that editorial. *I am going to suppose that Mr. Hines was here on the morning of Jan. 21.* (848)

"YOU HAVE GOT TO ASSUME"

Mr. Loesch then proceeded with his argument that January 21, 1911, was the date of this alleged second talk with Funk, characterizing all of the evidence that I had introduced showing that I was not in Chicago at that time as false; declaring that my witnesses swore to lies, that the telegrams were manufactured, and that I had sought to make out what he termed a "fake alibi"—concluding a tirade against me with a remarkable statement: "Now, I therefore have got to assume, gentlemen, *and you have got to assume, unless you want to say that Mr. Funk is lying from A to Z and from Z back to A again, that that call there from Mr. Hines took place.*" (861)

What do you think of that? It was proper and fair—according to the Loesch viewpoint—to charge me and all of my witnesses with lying, and to call authenticated telegrams and other documents, sent in the usual course of business, "fakes," without the slightest thing in the record to create even a suspicion of falsity in regard to them; but Funk must be saved from any such imputation, even though they had to resort to *assumption*—and a false assumption, at that.

Mr. Loesch having in his argument definitely and unequivocally fixed the morning of January 21, 1911, as the time of this alleged second interview with Funk, I was, upon the close of his argument, again specifically interrogated with special

reference to this time, and, although I had not before that searched my mind or examined my data with special reference to details of events occurring on that particular day or the day following, with the assistance of my pocket diary I stated as follows to the Board: (872)

On the 21st day of January, 1911, I was in Washington. I hold in my hand my diary of 1911, which I brought from Evanston with me this morning, in which is a memorandum of a telephone call from Dr. M. J. Riordan, of Pikesville, Md., a suburb of Baltimore, telephone number 230 Pikesville. I understood he was talking from Pikesville. I remember it distinctly. He asked that Mrs. Hines, Miss Moody (Mrs. Hines' niece) and myself come to Pikesville Sunday morning and take dinner with him (872 et seq). He had invited Mr. and Mrs. Dupert, of Baltimore, and their niece to dinner also. The dinner was to be the next day, Sunday, the 22nd of January, 1911. Sunday morning I went to 9 o'clock service, and had an automobile waiting at the church door for us, to catch the 10 o'clock train for Baltimore. Mrs. Hines and Miss Moody were with me at church. At Baltimore we were met by Mr. and Mrs. Dupert, a family whom we met while traveling in Europe. Dr. Riordan, of Pikesville, Md., was in charge of a congregation in that parish, whom we had also met in Europe. We spent the greater part of the day at Dr. Riordan's home in Pikesville, 15 or 16 miles from Baltimore. I remember distinctly it was an extremely cold day and there were several inches of snow, and we rode out in an automobile. I was not in Chicago on the 21st of January, 1911. That was physically impossible. The Sunday of that trip to Baltimore and Pikesville was the only Sunday in my recollection that we went to 9 o'clock church when in Washington. We always go to 10:30 o'clock church. Mrs. Hines is very particular about going to church, and I had to get up early, and did so. That calls to my mind distinctly the occurrence.

At this time a very remarkable and audacious thing happened.

AN ANONYMOUS TELEGRAM REOPENS THE CASE

Although the case was again apparently closed and Mr. Loesch had made his argument, at this point in the proceedings

he arose and said: (889) "I want to read a telegram that has just come from Washington, addressed to Mr. Funk." This telegram was as follows:

A 214 NY GN 74 CA

Washington, D. C., Feb. 18-12.

C. S. Funk,

Union League Club, Chicago.

No charges against E. H. at New Willard on January 21 or 22 excepting dinner charge signed by Mrs. H. on 21st and two in-coming collect telegrams on 21st. Hotel people say H. surely was not here on 21st and 22nd, because there were no charges for newspapers, cigars, etc., against him on those days, which was always the case when he was here.

T. L. L.

3:08 p. m.

Loesch explained that the initials T. L. L. were those of a friend of Funk. It appears that Funk, after the adjournment of the Board about midnight the night before, had requested a couple of friends in Washington to telegraph him whether I was at the New Willard Hotel on the 21st of January, and this telegram was the reply.

The statements in this telegram were absolutely false.

When the charge was made that the alleged second talk was in February, 1911, I proved so conclusively (by what Attorney Loesch called an alibi) that I was not in Chicago at that time, that even Loesch admitted that my alibi, as he called it, was clearly proved.

When they were forced by reason of that proof to change the date of the second talk, finally settling down to Jan. 21, 1911, as the date upon which they relied, I showed conclusively that I was absent from the city at that time, whereupon Attorney Loesch, not in the fair spirit of one trying to get at the truth, but in the malicious and vindictive spirit of a persecutor, characterized this as a "fake alibi." And now, pursuing the same tactics that they adopted on January 13 in producing the new editorial of January 20 after the case had been closed and submitted to the Board for decision, an anonymous telegram was introduced before the Board for the purpose of proving

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that I was not in Washington on January 21 and 22, and that the evidence that I had introduced up to this time bearing upon those dates was false.

As you will presently see, this malicious claim was false, as I conclusively established by the most convincing evidence.

With the introduction of this anonymous telegram the case was, at the insistence of my counsel, reopened for further investigation, and I made the following statement to the Board:

"I want to say, gentlemen, as far as I am concerned, I don't care how searching is the extent of this examination. I will be very glad indeed to help. Any statements I make here to you can all be verified absolutely, and it will afford me pleasure to explain. I am not going to be technical or complaining about anything this Board or its Chairman ask me to get, and I will get it cheerfully" (897).

"THE CHAIRMAN: I understood you have a tender of other testimony in this case?"

"MR. EATON: Yes, we want to tender all that Mr. Hines recollects on the memoranda that are now reasonably embraced with reference to these dates, and to add to that tender the offer to make absolutely specific, as a man of Mr. Hines' dealings can make specific, his movements on a particular day when his attention is called to it. It was never called to his attention until the argument this morning" (898).

"THE CHAIRMAN: Mr. Loesch, if you have anything, a statement to submit on anything that has been introduced here by that time, we will take that up later."

"MR. EATON: Mr. Loesch has thrown all the light he has."

"THE CHAIRMAN: *That will be supplemented by Tuesday. That is the emergency.*"

Note the undisguised bias of Chairman Sidley. One would think he was the authorized prosecutor in the case, rather than an impartial chairman of a judicial body. He informs Mr. Eaton that Mr. Loesch will throw more light on Tuesday. How did he know? Was he in the confidence of the prosecution?

UNFAIR AND DISCOURTEOUS TREATMENT

You cannot comprehend the astounding character of the method of procedure then adopted unless you read in full the record of the proceedings before your Board. It was at this point that a new degree of unfairness and discourtesy was attained. I should then have realized that I had absolutely no chance of securing justice before such judges, and should have withdrawn from their presence and permitted them to bring in their predetermined verdict.

Suppose that I, instead of Funk, had attempted to prove a disputed point by offering in evidence an *anonymous* telegram? Suppose that I, instead of Funk, had asserted that such an *anonymous* telegram was valid evidence? Suppose that I should have insisted that it be read in the record, and that Funk should then be compelled to disprove such an *anonymous* telegram? What would have been the attitude of the Board in such an event?

My insolence would have been instantly rebuked, and properly so. I would have made myself an object of ridicule. But I submitted no such alleged "evidence." I placed before your Board the verified copies of telegrams sent and received in the course of business, properly signed by the senders thereof; telegrams whose plain import could not be mistaken; telegrams from business men who were ready to appear before your Board and to testify that they sent them to me knowing that I was in Washington. These telegrams were introduced not for the purpose of proving the statements contained in them, but for the purpose of showing my whereabouts at the time such telegrams were sent and received by me.

How did Attorney Loesch characterize the introduction of these telegrams? He characterized it as an attempt on my part to set up a "fake alibi," and he was permitted thus to insult me and those who sent them to me, *unrebuked by the Chairman or any member of your Board*:

What was the attitude of my judges when Funk presented anonymous telegrams, later claimed to have been sent by men at the request of Funk. Neither of these telegrams were

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signed with the name of the sender, yet your Board unhesitatingly accepted them as valid evidence, and permitted Attorney Loesch to insult Mr. Eaton and myself because we protested against this outrageous disregard of justice.

When the Board met on Tuesday, February 20, 1912, Mr. Eaton thus addressed them:

"The new evidence that was presented in the course of Mr. Loesch's argument was in the form of a telegram signed 'T. L. L.' which counsel introduced to serve the temporary purpose, and stated, I believe, that any permanent proof he might wish the Board to consider would be presented at this hearing."

"I ask your pardon, sir," Attorney Loesch replied. "I think you are mistaken. *You were the one to produce the proof. I was to present no further proof. You were to reply to that.*" (901)

You will search far to match that for brazen insolence! *It was demanded that we bring in proof to deny the false charges of an anonymous telegram.* Mr. Eaton kept his temper and said: "It occurs to me that if it is a part of the case against Mr. Hines the sender of the telegram should be identified. It hardly ought to be possible to present a witness in the shape of an anonymous speaker."

"Mr. Chairman, there is no use in discussing it," excitedly declared Attorney Loesch. "We can save waste of time, and I will put Mr. Funk on the stand right away. *It is the same sort of crawfishing you have seen here right along!*" (902)

No comment should be necessary on that remark from the legal representative of Funk.

Funk then took the stand and asserted that Mr. Loesch had asked him, about midnight on the preceding Saturday, to communicate immediately with some one in Washington, and to ascertain what the books of the New Willard Hotel contained with reference to my presence in Washington on the 20th, 21st and 22nd of January. Funk had therefore communicated by telephone with a young man of the name of Lloyd, *whom Funk said was a personal friend of his,* and

got him to go to the hotel and secure the information. He said *Lloyd first talked to him on the telephone before sending the telegram, and then after the telephone talk he sent the telegram signed with his initials.* In the meantime, said Funk, he thought of another young man named Schlobohn, who frequented the lobby of the New Willard Hotel *and whom Funk had met while in Washington,* and he communicated with Schlobohn in regard to the matter, and got a telegram from him as follows (908) :

Washington, D. C., Feb. 18-12.

C. S. Funk, General Mgr. International Harvester Co.,
Chicago, Ill.

Hines and wife and Miss Moody reached here January 18 of last year. Hotel books show they were charged with rooms till end of that month. On the 18th, 19th and 20th there were charges for meals, telegrams, etc. The book shows no meals were taken or charges of any kind on the 21st and 22nd except two telegrams on the first day, costing \$15.96 and \$1.66. These were incoming, and there is no record as to when he received them. They could have been here a couple of days. The charges start again on the 23rd, when there are two restaurant charges, one of \$6 and one of \$13.20. On the 24th he got \$100 cash. The first railroad ticket was bought on 25th. It is thought it was for Mr. Hall. The books seem to show he was not in the hotel on the 21st and 22nd. No baggage was moved till the 25th. STONE.

11:47 p. m.

SOME CONFIDENTIAL WORK

In his examination, in explaining who "Stone" was, the sender of the above telegram, Funk, said :

"Stone is Schlobohn. He has done *confidential* work for Mr. Beers down there, and he has used *that name* because of some instructions he had received (sic). I suppose he thought this was a confidential matter and he would use that with me" (916).

"MR. EATON: And Mr. Schlobohn is on the way here to testify to the same effect as he has indicated in this wire?

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MR FUNK: *Well, I don't understand that he is on the way—*

Q. *That he is not?*

MR FUNK: *No.*

Q. Schlobohn was instructed to come on west with the books?

MR. FUNK: *He said that he didn't have money enough.*
(917)

Q. And there are no witnesses on the way then for the purpose of testifying before the Board?

MR FUNK: *No.* (918)

Doesn't this strike you as being a remarkable proceeding? Here we have a couple of anonymous telegrams, sent to Funk by Funk's "friends" at Funk's request, stating that there were no charges against me at the New Willard Hotel upon the 21st and 22nd of January and conveying the imputation that I was not in Washington on either of those dates, submitted to the consideration of the Board by Mr. Loesch at the last moment *as evidence against me*, without any effort or expectation to bring the signers of those telegrams here as witnesses to give their testimony before the Board, and *without any desire or inclination shown on the part of the Board to have them brought here.*

The anonymous telegram signed "T. L. L." was a mass of falsehoods from beginning to end. The one to the effect that Mrs. Hines signed a dinner check on January 21 was used by Attorney Loesch to convey the impression that I was absent from Washington on that date, and that Mrs. Hines therefore used her credit with the hotel. It happened that this particular falsehood was flatly contradicted in the "Stone" telegram, which asserted that there were no meal charges on January 21st or 22nd. The "T. L. L." lie to the effect that the "Hotel people say H. (Hines) surely was not there on the 21st and 22nd" was contradicted by the responsible officials of

the New Willard Hotel, who presented their books showing many charges on those dates, as will be later detailed.

What was the motive of this desperate expedient? Why were these false and anonymous telegrams introduced at what was presumed to be the close of the hearings? Here is the answer to those questions: It was assumed that I could not, in a short space of time, bring before the Board the witnesses and the evidence to refute them. It was proposed to use these anonymous telegrams as a pretext on which to base a verdict of expulsion, but I immediately introduced evidence of such import that the Board dared not let the matter rest there, and I was given a limited amount of time in which to make answer to the false allegations in the anonymous telegrams.

RECORDS OF THE NEW WILLARD HOTEL

To show how false those telegrams were and how utterly unfounded was Loesch's malicious attack on me in that regard, I procured in the two days intervening between Sunday the 18th and Tuesday the 20th, by telegraphing and telephoning, the attendance of a number of witnesses from Washington, Maryland and Pennsylvania to testify to my whereabouts on January 21 and 22. And in this connection I desire to call your attention to the fact that these witnesses fully corroborate my detailed statement of my movements made to the Board on the preceding Sunday just before Loesch sprung his anonymous telegram, and at a time when I had no thought that it would be necessary to bring these witnesses to Chicago.

For the purpose of directly contradicting these anonymous telegrams as to what the records at the New Willard Hotel showed in reference to charge items against me on January 21 and 22, I secured the attendance before the Board of Mr. Arthur J. Wand, the manager and secretary of the New Willard Hotel at Washington, together with his records, who testified as follows (1172):

MR. WAND: I am manager and secretary of the New Willard Hotel. I have brought some hotel books and records with me and have them here today. This (pro-

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ducing a book) is the transient ledger covering the accounts of the letter "H" for January and February, 1911. I can tell from that ledger when Mr. Hines came to the hotel in the month of January, 1911. It was on Jan. 18. The account is right here (indicating). The period of time covered by this entry on page 2931 embraces charges from Jan. 18 to 25.

Q. Will you indicate what, if any, charges are shown on the 21st?

MR. WAND: There is a valet charge on the 21st, \$1; there is a telephone charge of 15 cents on the 21st; there is a charge of a telegram of \$15.19 on the 21st; there is a charge of telegram \$1.66 on the 21st; there are three telephone charges of 10 cents on the 21st; there is one telephone charge of 90 cents on the 21st; there is one charge of 40 cents on the 21st (1174); there is a newsstand charge of 15 cents on Jan. 21.

And these false and anonymous telegrams said there were no charges against me on January 21 and 22! Can you find in any case, formal or informal, a more miserable attempt to work injustice? And this happened before the Board of Directors of a Club proud of its traditions and of its honorable record!

Thereupon these entries were introduced in evidence before the Board. It was also proved, by the introduction of the telephone directory containing a schedule of rates from Washington, that the telephone rate from Washington to Philadelphia is 90 cents, and from Washington to Pikesville the rate is 40 cents (1189). Mr. Wand then testified:

MR. WAND: There is no restaurant charge entered against Mr. Hines from the 18th to the 22nd, and from that I would infer that he customarily paid cash for his meals. There is a charge signed by Mrs. Edward Hines which appears here on the 23rd as "Rest.," \$13.20. I would say that was served to four people, judging from the way the portions are marked down there. (1187)

MR. EATON: I offer to show that lunch check signed by Mrs. Hines or purporting to have been signed on Monday the 23rd, was for dinner served to Mrs. Hines, Mrs. Utley and Mrs. Utley's daughter, and the niece, Miss Moody. (1188)

THE CHAIRMAN: How do you propose to show that?

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MR. EATON: I propose to show it, if it becomes material to the Board, by calling those people.

THE CHAIRMAN: Is Mrs. Hines prepared to testify to that?

MR. HINES: Yes.

THE CHAIRMAN: We will accept it then as having been stated by Mrs. Hines. That will take care of that. (1189)

This disposed of the leading falsehood in the "T. L. L." telegram.

A statement of account of the New Willard Hotel against me for the dates January 19, 20, 21 and 22, 1911, sworn to by Harry M. Howard, the cashier at the New Willard Hotel, was also introduced in evidence before the Board (952), and contains the same items testified to by Mr. Wand.

DISPROVING THE FINAL FALSEHOOD

To meet the new claim as presented by these anonymous telegrams, I was recalled to the witness stand for the purpose of giving a detailed statement of my movements and whereabouts on January 21 and January 22, 1911, and testified as follows (921):

On the morning of January 21 I was in Washington. I also was in Washington on the evening of January 21. I took dinner on January 21 at the New Willard Hotel with Mr. Cotter, of Texarkana, Texas, general manager of the Colorado & Southern Railroad and President of the Texas Street & Tie Company, Miss Moody, Mr. Nelson and Mrs. Hines. I took my breakfast in my room at the Willard Hotel in Washington on the morning of the 21st. I listened to a telephone conversation between Mrs. Hines and Dr. Riordan, of Pikesville, Md., and during the course of that conversation I made a memorandum in my memorandum book of 1911, reading as follows: "Father W. P. Riordan, B. & O. R. R., 2:30—Pikesville, Renard, Camden station" (922).

Father Riordan is a reverend gentleman whom I met in Europe several times five years ago this month, and he is stationed at Pikesville, Md., a suburban town of Baltimore. I talked on the telephone from Washington with Dr. Green, of

Philadelphia, on Saturday the 21st. He resides, when he is home, in Chicago, and is in charge of a college on the south side, a gentleman that I met going on the train on the 17th of January, who was on the same train going to New York, in company with Graham H. Harris, former president of the Chicago School Board. When I talked with him on the telephone on the 21st of January I invited him, at the request of Dr. Riordan through Mrs. Hines, to meet us in Baltimore the following Sunday morning, the next day, and go out to Pikesville, Md., to take dinner at Dr. Riordan's house (923).

To verify the telephoning to Dr. Riordan at Pikesville and to Dr. Green at Philadelphia on January 21, I call your attention to the testimony of Mr. Wand and the entries in the hotel record showing telephone charges against me in the sum of 90 cents and 40 cents respectively on that day. It was also shown that these were the respective telephone rates from Washington to these places.

On January 22, I took breakfast in my room in Washington. Then I went to church, what is called St. Patrick's Cathedral, and left there shortly before the service was over to catch the ten o'clock train for Baltimore. This train was late that morning on account of a very severe storm. We waited some time in the depot, and when it arrived, we took the train for Baltimore. In the party were Mrs. Hines, her niece, Miss Moody, of Chicago, and myself. We were met in Baltimore on the train by Dr. Green, who had come down from Philadelphia that morning, and Mr. Adam Dupert, of Baltimore, who took us in his automobile out to Pikesville. That is where the Rev. Dr. Riordan lives. These are the same gentlemen that I referred to last Sunday evening when I was giving my recollection of my movements that day (924). I got Mr. Cotter's name from Miss Moody, who had it in her diary, and immediately telegraphed to him asking him if he remembered the incident of being in Washington about that time, and I have got his reply ready to produce it here (927).

I sent for and received a hotel bill from the New Willard Hotel, covering the period from January 18 to February 4, 1911. (This bill with its various items I introduced in evidence, and it can be found in the record of these proceedings on pages 953-955.) On January 21 I attended a session of the Senate and listened to some remarks made by Senator Beveridge of Indiana, demanding to call up at a very early date the report of the Committee on Privileges and Elections as to Senator Lorimer being seated or unseated. I also listened to

a debate, part of a debate by Senator Burton, just a little of it. That evening, as I said, I took dinner at the Willard Hotel with Mr. Cotter, Mr. Nelson, Mrs. Hines and Miss Moody. I was called away a short time before the dinner ended, and did not return to the hotel until some time later (957).

I slept at the Willard Hotel that night. In the morning I had breakfast in my room and went to 9 o'clock church. Left the church shortly before the service was over and took the train to Baltimore; got off at Camden Station. I was met by Dr. Green, and Mr. Adam Dupert drove in an automobile to Pikesville. Had dinner that day. Returned along about 5:30 or 6 o'clock to Baltimore in the automobile, leaving Mrs. Hines, Miss Moody and Mrs. Dupert all at Mr. Dupert's residence; proceeded with Mr. Dupert and Dr. Green to what is known as the Baltimore Club in Baltimore; was there introduced to several gentlemen by Mr. Dupert; remained there upwards of an hour; returned to Mr. Dupert's residence; had dinner; spent some little time after dinner, and I then took the ten o'clock train that night to Washington with Mrs. Hines, Miss Moody and Dr. Green. I remember of Mr. Cotter coming to see me on Saturday the 21st, with a letter of introduction from Mr. Munday, President of the La Salle National Bank. The letter of introduction I have with me now. (The letter was introduced in evidence and is as follows (959) on the letterhead of the La Salle National Bank of Chicago:)

Chicago, January 18, 1911.

Mr. Edward Hines,
Washington, D. C.

My Dear Mr. Hines: This will introduce Mr. George F. Cotter, brother of Mr. Cotter, of the Pere Marquette system, who will give you every assistance in his power. I wrote the other Mr. Cotter at Cincinnati yesterday, requesting personally that he send you a letter to Mr. Stevens. If you did not get it, you had better have Mr. Cotter call him on the long distance telephone.

Sincerely yours,

C. B. MUNDAY.

This letter was presented on Saturday, the 21st of January (959). That is the only day I saw Mr. Cotter, and he had dinner with me in the evening (960). I had Mr. Nelson, my secretary, send a telegram to Mr. Cotter asking him if he could

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confirm my statement in regard to his taking dinner with me on the evening of January 21. We received a telegram from Mr. Cotter. (Which was introduced in evidence and is as follows:)

(On Western Union Telegraph Co. day letter blank.)

13 Wu K 195 Collect L

Texarkana, Ark., Feb. 19th-12.

C. R. Nelson, Chicago.

Have no written memorandum or record, but have very distinct recollection that you and I had dinner Saturday evening, January 21st, with Mr. and Mrs. Hines and their niece. It developed at that time that I was a Catholic, and that Mrs. Hines suggested what mass I shall attend the next morning, and said further that she would see that I was called before she left for Baltimore with Mr. Hines. It further developed in the conversation at the table that I had not been to Mount Vernon, and I suggested to you that Mr. Hines being away, you would be at leisure, and asked you to go with me to Mount Vernon after I returned from church. The reason we did not go after my return from church was because it was storming so badly we did not care to go out. I left Washington on that date for Chicago, and recollect that the reason I had not seen Mr. Hines before leaving was because he was in Baltimore and had not returned to Washington. If absolutely necessary I can no doubt verify the statements to some extent by records at the Willard Hotel.

G. F. COTTER.

1:30 p. m.

(In pencil: "Prest. Nat. Lr. & Creosoting Co., Texarkana, Texas.")

I also verified my memory of dictating a large amount of mail on the 21st, and have verified it by the shorthand notes. I dictated them to Mr. Nelson and they are in his shorthand book (964).

There was also introduced in evidence the following telegram showing that Mr. Cotter was in Washington on January 21 as I had testified:

(Western Union Telegraph Co. blank.)

17 Wu K 19 Paid 5 Ex

Washington, D. C., Feb. 19th, 1912.

Geo. F. Cotter,

Care E. H. L. Co., Chicago.

Records show your arrival here January nineteenth and leaving January twenty-second, nineteen eleven.

H. E. BATES, Asst. Mgr. the New Willard.

5:10 p. m. (966)

I was later recalled to the stand and testified as follows concerning my whereabouts on January 20:

MR. HINES: I was in New York on the 20th of January. I left Washington for New York on the night of the 19th, and returned by way of Philadelphia on Saturday the 21st. My examination of data shows that I was in New York on the 20th (996). I had several matters to attend to in New York on the 20th. I saw Mr. Dudley, of the Bergen Company, exporters of lumber, on that day (998). I saw Mr. Shonts, President of the Interurban Railroad, there on that day. I also saw Mr. Brown, President of the New York Central, that day. I received a letter on that day from Mr. Brown. I am willing to show the Chairman that letter (999). The letter is of a confidential nature.

THE CHAIRMAN: I don't care to read it. I simply see that the letter is headed "Grand Central Terminal, New York, Jan. 20, 1911," and is signed W. C. Brown. I don't know what the contents are, and I take your statement. I take your statement it was handed you on that day. That is your statement (1000).

MR. HINES: I left there for Philadelphia in the afternoon and arrived at Philadelphia late in the afternoon or early in the evening, and I saw some gentlemen in Philadelphia that evening and returned to Washington on the early morning train (1001). In searching particularly for the events of the 21st I find notes that I had dictated to my stenographer, Mr. Nelson, that I had written a letter thanking Mr. Brown for the courtesies extended to me in New York on the 20th. Then I found a letter dictated to another gentleman that will be shown, and the notes stated that I was called hurriedly to New York. I left for New York the night of the 19th. I passed part of the 20th

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in New York and the evening of the 20th in Philadelphia, arriving in Washington the morning of the 21st (1009).

Since the matter first came up I have looked up data in regard to the circumstance of my return from Philadelphia to Washington, and I remember now that I returned from Philadelphia in the New York sleeper that night and arrived in Washington between three and four o'clock. I slept in the sleeper until between 7 and 7:30, when I went to the New Willard (1197).

12 K. (1007)

MISS MOODY READS FROM HER DIARY

I call your special attention to testimony given by Miss Helen Moody. This young woman is a niece of Mrs. Hines, and was a guest of ours in this her first visit to Washington. Like many girls in their teens Miss Moody kept a diary. I knew nothing of this, but Mrs. Hines recalled that her niece had made certain notations in a diary and Miss Moody volunteered to come before your Board and read from it such data as might help throw light on the whereabouts of myself and others at that particular period.

Read what follows and decide for yourself if any more convincing evidence ever was offered to prove matters in dispute. Decide for yourself whether to believe in a baseless "theory" advanced by a biased prosecution or to believe in the written memorandum preserved by this innocent young girl. That diary conforms to the statements made by reverend and disinterested clergymen. Its brief notations conform to every statement made by the various witnesses who came forward to tell where I was on those days in January, 1911. They breathe the truth in every line. Compare this testimony with the maliciously false statements contained in the anonymous telegrams, and decide for yourself the attitude of a tribunal which seemingly pinned its faith to the concoctions of "T. L. L." and ignored the testimony of a score of witnesses of unimpeachable character. Miss Moody thus testified:

I made a visit to Washington early in 1911, which was the first time I had ever been there. I went with my uncle

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and aunt, Mr. and Mrs. Hines. I keep a short diary. I have it here. The entry for January 17 is:

Tuesday. Up early. Got my things ready. Down town with mother. Bought a lot of pretty things. Home. Lunch. Packed my trunk. Dressed. Auntie called for me. Took the 2:45 train to Washington. Aunt Loretta (Mrs. Hines), Uncle Ed (Mr. Hines) and Carl Nelson (Mr. Hines' Secretary), Mayor Busse on train.

For January 18 the entries are:

Wednesday. Arrived in Washington. Lunch. Afternoon in the Senate. Burrows spoke; Borah. Saw Lorimer for first time. Walked to hotel. Dinner in our room.

The entry for January 19 is:

Thursday. Shampoo. Lunch in cafe. Went to Arlington. Runaway. Residential. Burrows' reception. Met Miss Nessen, N. P. G. Beautiful day. Dinner down stairs.

January 20. Friday. Auntie, Carl and I trolley ride through Alexandria and Mount Vernon. Delightful. Luncheon at Mount Vernon station. Washington Monument. Dinner with Mr. Babcock and Congressman Burke. Theater.

The next, January 21. Saturday. Met Mary Scoefield and Trinity Girls in the Dining room. So good to see Mary. Auntie and I matinee. Saw "Chocolate Soldier"; great! Afternoon tea. Dinner in evening dress. Uncle, Auntie, Carter, Carl.

Mr. Carter is a gentleman I met that afternoon; Carter or something like that. (This was Mr. Cotter, hereinafter referred to.) Aunt Loretta, Uncle Ed, Mr. Carter and Carl (Mr. Nelson) and I had dinner together that night (971).

The entry for January 22 is:

Sunday. Church. Train late. Uncle Ed coffee. Snowing. Baltimore. Father Riordan. Duperts. Father Green, of Chicago. Back to Washington (972).

"Uncle Ed coffee" means that he stood at the lunch counter in the station with a silk hat on, drinking coffee while we were waiting for the train to go to Baltimore. The three of us had been to church, and went from church to the station by carriage, I think it was. It was storming. Mr. and Mrs. Hines and myself were in the carriage. I think it was a carriage instead of an automobile or taxi. We went to church together. The train was so late and

it was so cold, I suppose was why Mr. Hines went for the coffee.

One of the members undertook to cross-examine this young lady in a way that I thought was contemptible and unnecessary and indicated a strong desire to put some discredit upon her by petty matters. Among other questions, he asked as follows, speaking of me at the time I was taking the coffee :

Q. "You do not know whether or not he ate anything, too, do you?"

What difference did that make?

Q. "Have you a distinct recollection of its being a carriage?"

What difference does that make whether it was a carriage or some other vehicle?

Q. "What kind of a carriage? Open or closed?"
Was this awfully important?

Q. "How many waiting rooms (in the station) are there there?"

Did he suppose the young lady went around and counted them? She answered, she did not know.

Q. "Where was the lunch room with reference to the waiting room?"

And——

Q. "How far away were you from him when you saw him?"

Q. "You are sure it was coffee?"

Q. "You knew he was drinking something?" * * *

Q. "You saw it steaming?"

A. "Yes, sir."

Q. Was the steam coming up? A. Yes, sir.

Q. You recall this distinctly at this time, do you not?

Wasn't this a remarkably brilliant line of questions? Then "A Member" gave Miss Moody a long cross-examination about Mr. Cotter: whether she met him at other times; where he

came from; how old he was; and then wanted her to describe him more particularly; and when she said he was large, wanted her to define what she meant by "large," and what his complexion was, and what they had for dinner (979-981), and what they had to eat on Thursday evening, and what they had on Monday evening.

If any further proof were needed to show that I was then in Washington and not in Chicago, the diary and the testimony of Miss Moody evidenced it.

Next Mrs. Hines gave evidence as follows (984) :

MRS. HINES: I was in Washington on Jan. 21, 1911. Dined in the evening at Willard's Hotel. At that dinner were Mr. Hines, my niece, Miss Moody, Mr. Cotter, and Mr. Hines' secretary, Mr. Nelson. On the morning of the 22nd (985) we left the hotel and went to church, Mr. Hines, my niece and I, St. Patrick's Cathedral. We had our breakfast in our room at the hotel. We were trying to get to Baltimore on the early train and to go to church early. We slept a little later than we should, and got there without any books. We usually walked to church, but because of this we had to drive. The train was very late. It was very cold. We were walking about the station, my niece and I, and we met Mr. Hines at the lunch counter having a cup of coffee, and we joked him about it and asked him why he did not take us, too. I remember it impressed my niece because he was at the lunch counter with a silk hat on. From Baltimore we went to Pikesville. Father Green met us at the station, and Mr. Dupert met us with his car, and we drove to Pikesville. It was a snowy day. We met there Mrs. Dupert and her niece. Had dinner there. We met Mr. Cotter in the evening of Saturday, the 21st. Had met him before. He dined with us that evening. (990) Mr. Hines was not in Washington the night of the 20th; he was out of town.

Mr. C. R. Nelson, my private secretary, also gave evidence (1025) relating to dictations taken by him in shorthand in Washington, D. C., as follows:

MR. NELSON: I have dictation here from Mr. Hines, as shown by my shorthand note book, which I have here, on the 21st of January. I have here dictation to L. H. McCor-

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mick, Marinette, Wis.; F. E. Waymer, Treasurer, Panway, Florida——

THE CHAIRMAN: Unless some of the members of the Board call for it, we will dispense with the names and dates, and say there are twelve or fifteen in there. (Indicating the note book.) (1027)

MR. NELSON: The evening of the 21st of January (1028) I dined with Mr. and Mrs. Hines, their niece, and Mr. Cotter. Mr. Cotter got to Washington on the 29th. (1029) Mr. Cotter is President of the National Lumber & Creosoting Company, Texarkana, Ark. (1023) I have looked over a lot of things and find a good many letters dictated the 21st referring to Mr. Hines being in New York the day before.

THE REVEREND GREEN TESTIFIES

Dr. James F. Green gave evidence (1035) as follows:

DR. GREEN: I live at Sixty-third and Oakley avenue, Chicago. First met Mr. Hines on the 17th of January, 1911, on my way to New York. Mr. Hines, I think, went to Washington. I stayed in New York, and Mr. Hines came to New York and I met him then, and I met him again after the 19th, when I returned to Philadelphia. My recollection is that I met him the evening of the 19th, towards dinner time. (1036) The next I heard from him, Mr. Hines called me up at my mother's home in Philadelphia on Jan. 20, evening. I told him how to get to the house, Eighteenth street and Girard avenue. He came there, and I arranged to meet Mr. Ryan, and took Mr. Hines with me to 244 North Lawrence street, Philadelphia. Mr. Hines said he would go back to Washington. I rode with him to the hotel. He got his valise. I rode with him to the Pennsylvania station, and left him there and went home. (1037) On Saturday I was told to call Mr. Hines at the Willard Hotel. I did so, and he asked if I could go on Sunday to have dinner with Father Riordan at Pikesville, Maryland. I said I would, and I took the train, got off at Camden station in Baltimore, and waited for Mr. Hines' train, which was awfully late. I thought I had missed him. He came afterwards, and I was introduced to Mr. Dupert, who took us in his automobile to Father Riordan's to dinner at Pikesville. (1044) On the 22nd of January I first saw Mr. Hines in the

B. & O. station. Mrs. Hines and his niece came also. I was there when they got there. It was my sister, Miss Green, who told me to call Mr. Hines in Washington on the telephone when we made the arrangement to go to Baltimore and to Father Riordan's.

TESTIMONY OF A BALTIMORE FINANCIER

Mr. Adam Dupert (1064) gave evidence as follows:

MR. DUPERT: I live in Baltimore, and was at my home on Jan. 22, 1911. Father Riordan telephoned me in the morning of Saturday, the 21st of January. (1065) Told me that Mr. and Mrs. Hines and a young lady would be in Baltimore Sunday morning, and wouldn't I be kind enough to meet them with my auto at the Camden station? I told them I would be only too happy to do so. I did do so. I waited for them. I expected them about 10 o'clock, and it was after eleven when they arrived. It was a very disagreeable day. They came into the Camden station on the Washington train, and there I met also Dr. Green, whom I had never met before. Mr. Hines introduced us (1066), and I took them to Father Riordan's at Pikesville, about nine miles. I had met Mr. Hines about five years ago on a trip abroad. I know it was the 22nd of January, 1911. I am President of an orphan asylum, and have been a member of the directors for twenty years, and we meet the fourth Sunday of each month, and owing to the visit of Mr. and Mrs. Hines I had to forego attending that meeting. I took Mr. Hines to the club of which I was a member; I wanted him to meet some of my friends. I took Mr. Hines' party (1068) back to the depot for Washington, Camden station, at night.

I submit in all fairness that testimony more complete and convincing never was offered in any court to prove a contested fact. Many of the witnesses who appeared before your Board to testify that I was not in Chicago on or near January 21, 1911, were strangers or comparative strangers to me. They are persons of high character. They have not the slightest interest in withholding or in coloring the truth.

ANSWERING FACTS WITH SLURS

Funk's attorneys and certain bitterly partisan members of the Board indulged repeatedly in slurs and broad insinuations when I presented witnesses who flatly disproved the dates on which it was alleged that I *might* have been in Chicago. These malicious partisans pretended to believe that it would be remarkable if I could prove my exact whereabouts on any date which might be selected.

There was nothing remarkable about it. I can do the same thing relative practically to every date since I became active in business. Any man in business, who preserves his office records and who insists that modern methods of transacting business be followed, can make an examination of correspondence files, copies of telegrams, telephone records, checks and other memoranda, and establish his whereabouts on any date which may be in question. Mr. Cyrus McCormick did it before your Board. Edgar A. Bancroft had no difficulty in telling where he was on various dates, and *Clarence S. Funk doubtless could have shown exactly where he was on any given date, had he desired to be fair and honest in assisting your Board in arriving at the truth.* What did Funk do?

When it best suited Funk's purpose he pretended blank ignorance of all dates, and insulted me before your Board because I was able to prove my whereabouts by introducing ordinary business correspondence and office memorandum. Funk was later driven *to fix a definite date for an alleged event.* What did he then do? *He established his whereabouts on that date by his diary, and informed your Board that his office records would corroborate his movements as set forth in that diary!* We did not question the authenticity of that data. We did not insinuate that Mr. McCormick and Mr. Bancroft had manufactured data to prove where they were on certain dates. It would be an astounding thing if the active head of a great business enterprise could not make such an examination of its correspondence files as would determine whether he was in the city of his activities on a certain date.

A member of your Board gave frank expression to his surprise that it should be deemed wonderful that I was able to tell where I was located on certain dates. The plain truth of the matter is this: There is not a judge in the country who would not unhesitatingly accept the validity of the data I presented to prove my whereabouts on the various dates called in question before your Board. I will go further than that. *It is my deliberate opinion that not a member of your Board doubted the absolute authenticity of the evidence which I submitted to prove my whereabouts on these dates.*

INTERESTING TESTIMONY OF FATHER RIORDAN

I desire now to offer a portion of the evidence of one of the gentlemen who contributed to what Loesch called "a fake alibi." I refer to the testimony offered by the Reverend Michael J. Riordan. This honored clergyman has a parish in Pikesville, Maryland. I had become acquainted with him while on a trip abroad, five years before. I secured his presence before your Board by telephoning to him from Chicago. Bear in mind that it was the pretended theory of the prosecution that I was in Chicago, and that I held the second interview with Funk on January 21, 1911. This was their last stand. This was the last date they dared set up in support of Funk's latest "theory." Father Riordan thus testified:

Q. Do you remember your whereabouts on the 22nd of January of last year?

FATHER RIORDAN: Yes, sir; I do. I was in Pikesville.

Q. Did you see Edward Hines that day?

FATHER RIORDAN: Sure; sure.

Q. Did you have any communication with Mr. or Mrs. Hines on the preceding day, the 21st?

FATHER RIORDAN: Certainly.

Q. State the circumstances in regard to that communication.

FATHER RIORDAN: I received a telephone message from Mrs. Hines Saturday morning, I don't know the exact hour; say, possibly, about 9 o'clock; telling me that they would be over Sunday if agreeable or convenient to

me. I had frequently asked them to come. I had been their guest here a couple of times. So I made the arrangements and told them the train to take. I know they were late for dinner.

Q. When were you asked to refresh your memory regarding these facts?

FATHER RIORDAN: On last Sunday night. I had no particular reason to remember the date. It had gone out of my mind. I don't keep diaries; I don't burden my mind with things of that kind, and I rarely preserve letters or documents unless I think they are very important. So Sunday night I really could tell only that Mr. Hines was at my house about a year ago.

Q. What did you do about refreshing your recollection?

FATHER RIORDAN: Well, that night I turned to my household—my household consists of a housekeeper and her daughter, a grown girl twenty-seven years old—a telephone operator—and they are both of good, acute minds; and they could not remember. Finally the housekeeper says: "If you get the day I bought those olive dishes," she says, "I could swear that is the date Mr. Hines was here." I said: "Where did you buy them?" She says: "Hochschild, Kohn & Co." I said: "Did you pay cash?" She said: "No. I have had an account there for ten years." I said: "That's easy. We will find that out tomorrow." That was Sunday.

Then the colored girl said that she went that night and got a bottle of Duffy's apple juice—if you remember that (addressing Mr. Hines); it was something you had never seen before. And then we had a Smithfield ham, and I think it was the first time Father Green had. I said: "Was that a cash transaction?" She said: "No."

My housekeeper remembers distinctly the trouble she had getting it out that day. I called up Jordan Stabler & Co., grocer, and asked him about the Smithfield ham. It was bought on January 21. I called up Hochschild, Kohn & Co. and asked him. "Yes," he said, "bought on the 21st."

I remember distinctly the snowy weather, the snowy day. I can see Mr. Hines now in the afternoon going directly across my lawn. My lawn runs in a circle, and around my lawn is the approach to my house. I told those people: "Don't bother to go around, take a straight

line," and I can remember Mr. Hines with his silk hat and the white covered ground, and I can see him now, going over from his automobile.

Q. What is the significance of "olive dishes"?

FATHER RIORDAN: Those olive dishes, oh, I got them from my merchant. You remember (addressing Mr. Hines) Mrs. Hines commenting on the olive set, and somebody had never seen—somebody at the table did not know what they were. I confess that I would not know myself if my housekeeper had not told me. They are certainly very unique. I told that to my housekeeper afterwards, and she was delighted to have some of my guests who were world-wide travelers who had never seen these things. Here is the memorandum. They were got on the 21st.

And there were the oyster forks. I remember especially getting the oyster forks. I usually use the plain fork, until we had these people for company that day, people who had traveled, and were accustomed to having things O. K. So my housekeeper insisted on having oyster forks. I said to her: "We want to do things right."

LOESCH CONVINCED—SIDLEY WILL ADMIT NOTHING

Father Riordan submitted the itemized bills of Hochschild, Kohn & Company, showing that all of these purchases were made on January 21, 1911, also the bill of Jordan Stabler & Company, showing that the Smithfield ham and other articles mentioned were purchased on the same date.

All of the witnesses had testified that this Sunday of January 22, 1911, was a cold, snowy day. A tame attempt was made to insinuate that the Pikesville dinner might have occurred on some other Sunday. Father Riordan submitted a statement from William H. Alexander, Section Director of the United States Weather Bureau, proving that this was the only cold Sunday in that period with a heavy fall of snow.

What do you think of the testimony of Father Riordan? Does it not ring with honesty? Is it not instinct with truth? Can there be any doubt that I was his guest on that stormy Sunday, the 22nd day of January, 1911?

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This testimony so impressed Attorney Loesch that he realized the folly of attempting to impeach it. He made (1085) the reluctant admission: "*I will allow the dinner at Baltimore is satisfactorily proven!*"

Chairman Sidley later took pains to inform me that the Board would not be bound by any admissions made by its attorney, and gave the plain intimation that no proof I could submit would necessarily have weight with him or the Board. Let me now call your attention to the situation confronting those who were vainly searching for some pretext to believe Funk.

READ THIS CAREFULLY

The editorial of January 21 was their last resort. Funk had repudiated his sworn testimony in Washington. He had repudiated all of the original and conflicting statements concerning the date of the alleged second interview as made in his early testimony before your Board. He had repudiated the arguments made in his favor by Attorney Scott. He had specifically fixed on the editorial of January 21 as the impelling cause of my agitated call at his office and of my alleged attempt to "refresh his memory." Funk cannot escape his words preserved in the official record as compiled by your Board and surrendered to me only when your officials dared no longer to refuse me this legal right. Here is what Funk said before your Board. (Pages 628 and 629 U. L. Record) :

Q. In the testimony you have given referring to an editorial, from which editorial you fix your best recollection of the interview with Mr. Hines, *what is now your impression as to which editorial you referred to?*

MR. FUNK: IT IS MY DISTINCT RECOLLECTION IT WAS THE EDITORIAL OF JANUARY 20TH, 1911.

Can language be plainer? Out of the mass of Funk's shifting recollections, evasions, conjectures and tricky responses to plain questions, this reply stands practically alone as a direct answer to a direct question. He was no longer in

doubt about it. It was his DISTINCT RECOLLECTION that it was the EDITORIAL OF JANUARY 20, 1911!

The final theory set up by Attorney Loesch and to which my prosecutors clung as long as possible, was absurd to the point of silliness. Look at it for a moment:

It was finally admitted that I was in New York City on the day that the editorial of January 20, 1911, was published. It was admitted that on that day I talked with President W. C. Brown, of the New York Central Railroad, and with Mr. Theodore Shonts, President of the Interboro System of the metropolis. Loesch, Sidley and others arrayed against me halted at alleging that Mr. Brown and Mr. Shonts were parties to my "fake alibi." They accordingly were spared. I was presumed to have received news of the Record-Herald editorial while in New York City, and it is the assumption of the prosecution that I rushed from the office of Mr. Brown or Mr. Shonts, and took the Twentieth Century Limited for Chicago, arriving there at 8:55 on the Saturday morning of January 21st.

WHAT I DID NOT DO

Now follow me, as I am pictured in the minds of those who grasp at a straw on which to float Funk's veracity. On arriving in Chicago I rushed at once to Funk's office, reaching there shortly after nine o'clock. I tell the puzzled Funk that he must have been mistaken about what I said to him two years before. I say nothing about any editorial. I am agitated. Funk listens and says that he thinks he does remember what I said. He then excuses himself and goes into a conference. (*The records of Mr. McCormick and Mr. Bancroft show that Funk held no conference with them on that date.*)

What do I then do? Do I consult a lawyer about this awful crisis which has thus been precipitated by this Record-Herald editorial? No. Do I go to my office and confer with Mr. Wiehe, who is presumed to have telegraphed or telephoned the gist of the editorial to me? No. Do I see anybody in Chicago, save Funk? No. What do I then do? Listen!

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I take the 10:30 train back to Washington. I arrive in Washington at 8:30 on this snowy, stormy Sunday, and it is proved that I attended 9 o'clock services that morning. I am presumably in a business suit. Fresh from my criminal conference with Funk I am presumed to rush to the hotel, change my clothes, go to church with my wife and her niece, *and later put in a happy day in social intercourse with devout clergymen!*

Yet this absolutely idiotic "theory" was soberly argued, solemnly considered and apparently affirmed by your Board. It had not one verified fact to fortify it, and disproves itself. It necessarily was predicated on the insulting assumption that witnesses who testified that I was in the East at that time told deliberate falsehoods. This theory was a declaration that at least one of the clergymen was a falsifier. It was a declaration that several reputable business men had deliberately told untruths in my behalf. It was a declaration that the heads of the New Willard Hotel, of Washington, had falsified its records. It was a declaration that Miss Helen Moody had manufactured a diary for my special benefit. All of which is so palpably absurd that I shall not further discuss it.

A MASS OF UNDISPUTED EVIDENCE

With this digression, I now submit a digest of the testimony of other witnesses whose testimony removed the last possible doubt concerning my whereabouts on the dates in question.

Miss Anna T. Green, of Philadelphia, testified as follows:

MISS GREEN: I recall the evening of Jan. 20, 1911. I was at home at 1206 North Eighteenth Street, Philadelphia. I did not know Mr. Hines at all until that night. I met him that night at our home—I and my brother. My brother is Father Green, a priest. I got home at about half past eight or nine in the evening, and it was about twenty minutes before he (Hines) got there. The next day Mr. Hines called up the house on the telephone and asked for my brother. He was not there. He was at Chestnut Hill; 430 was the number of the 'phone; I gave it to him and he could not get him. Mr. Hines asked me to have him call him at the Hotel Willard at Washington. That was

on Saturday, the day following Jan. 20. I know that because on the 22nd my brother went to Baltimore. (1167.) I know Mr. Ryan of Philadelphia very well indeed. Mr. Ryan had a fall in the second week in January and he was very miserable. Both himself and his wife are very miserable just now.

MR. EATON: The offer was made to have Mr. Ryan here, and if he had been physically able he would have been here to testify as to seeing Father Green and Mr. Hines on the evening of the 20th. (1168)

Oliver J. Labeau was then called as a witness. He testified (1169):

MR. LABEAU: That he was assistant chief usher in St. Patrick's Cathedral at Washington, D. C., and held that position on the 22nd day of January, 1911. Mr. and Mrs. Hines and their niece were in church on that day. He knew it was on the 22nd day of January because on the Sunday following, which was the 29th, he had friends from Chicago who visited him. These friends were Mr. and Mrs. St. Auburn and Mrs. Mangan, and he told them about having quite a lot of visitors from Chicago lately, and told them that Mr. and Mrs. Hines and Miss Moody were at church the Sunday previous. In order to verify his dates he went over to the Driscoll Hotel (where his friends were stopping) and got the dates that they were there. He found that his friends were at the Driscoll Hotel from Jan. 28 to Feb. 2. In stating his memory of seeing us at church on that particular morning the witness said:

"I know when Mr. Hines comes to St. Patrick, as a rule he always comes into 11 o'clock mass, which is high mass, and this Sunday he—or rather, I was in the habit of taking Mr. and Mrs. Hines to the Austro-Hungarian Ambassador's pew. For that reason—I may say seats are very much in demand at St. Patrick's, and at that time—I know the Ambassador was away, I knew that I could put the party in there, and I knew that they would not be disturbed, he being away. And any time he was away and Mr. and Mrs. Hines came I knew that I could put them there. This Sunday I remember that Mr. Hines tapped me on the shoulder and he said, 'I don't want to be put up in the front.' He said, 'I am going to catch a train and I am liable to leave before the services are finished.' I said,

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'Very well,' and I put him in the rear left about the third pew, and he got up before the services were finished, and I followed him into the vestibule, and I shook hands with Mrs. Hines, and Mrs. Hines said, 'Mr. Labeau, this is Miss Moody.' And it was cold weather and a blustering day. I said, 'I know Mr. Frank Moody.' She said, 'Yes, that is my uncle.' And with that they jumped into a carriage." (1170-1171)

My counsel offered to produce Mr. G. F. Cotter to prove that he was in Washington on Jan. 21 and that he met me that day and took dinner with us at the New Willard Hotel on that day, as previously testified to by myself, Mrs. Hines, Miss Moody and Mr. Nelson. Whereupon the Chairman said that he had a telegram from Mr. Cotter and that the telegram was entirely satisfactory to the Board and that the Board was entirely prepared to admit that if Mr. Cotter were present he would testify exactly in accordance with that telegram. The telegram so received by the Chairman of the Board is as follows:

B 336 D. L. D. 78 Blue.

Denver, Colo., 22nd Feb.

Wm. Sidley, Union League Club,
Chicago, Ill.

This is to certify that I know that Edward Hines of Chicago was in Washington, D. C., on Jan. 21, 1911. I saw him there during the day, and dined with him and Mrs. Hines and other friends that evening at the New Willard Hotel. The Denver Athletic Club will identify my presence here today, and you can satisfy yourself as to my reputation by referring to almost any prominent man in Texas, especially the Governor. G. F. Cotter. (1191)

This telegram was supplemented by another from the President of the Denver Athletic Club, as follows:

B 534 A. G. P. and 24-5 Ex. Sig.

Denver, Colo., 22.

William Sidley, Pt. Union League Club,
Chicago, Ill.

Mr. George F. Cotter of Texarkana, Texas, is now a guest of the Denver Athletic Club, dining here today. (1191) R. F. Parvin, President, Denver Athletic Club.

My counsel then stated to the Board that he had a witness who would testify to the personal illness of Mr. Ryan of Philadelphia and his inability to be present. (Mr. Ryan was the gentleman who saw me and in whose company I was in conjunction with Father Green in Philadelphia on the evening of Jan. 20.) The Chairman thereupon stated, "We accept that as a fact of record." (1191)

GENTLEMEN WHOM I MET ON JAN. 21

My counsel then stated that Mr. W. C. Brown, President of the New York Central Railroad, had wired authority to present the letter that was given to me on Jan. 20 in New York, and asked that the Board consider that letter in connection with my letter of the 21st to Mr. Brown, thanking him for the courtesy shown the day before in New York. (1192) My counsel then introduced in evidence this telegram addressed to me (1193):

6 Wu. K. 42. Collect 23. Columbia, S. C., Feb. 22-12.
E. H. (E. H. L. Co.), Chicago.

I was guest of New Willard Hotel, Washington, D. C., Jan. 21, 1911. Stopped there on my way to Palm Beach, Florida. Saw you at said place on said date concerning certain litigation I had for your wife.

Allen Gilbert. 8:30 a. m.

This gentleman is a member of the firm of Gilbert & Gilbert, of the Chicago bar. My counsel also introduced in evidence the following telegrams (1194):

Paid. Chicago, Feb. 21, 1912. Z. W. Whitehead, care Southern Lumber Journal, Wilmington, N. C.

Do your records show you were in Washington from Jan. 19 to 23rd, 1911? Have you recollection or memoranda of seeing Mr. Hines Saturday, Jan. 21, 1911? Very important. Wire answer our expense quick.

Edward Hines Lumber Co.

And the following replies:

3 Po. K. 48 Coll. L. 23. Wilmington, N. C., Feb. 22-12. E. H. L. Co., Chicago.

My recollection is lumber people had first meeting on

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lumber tariff matters Washington City about Jan. 19, 1909, with Mr. Hines, Fosburgh, Skinner, myself and others present, continuing in session three or four days, devising ways and means for heading off free lumber legislation by Congress. Z. W. Whitehead. 8:16 a. m.

4 Po. K. 36. Coll. Wilmington, N. C., Feb. 23-12. E. H. (E. H. L. Co.), Chicago.

Remember distinctly being in Washington Saturday, Jan. 21 last year, and conferring with you about Canadian reciprocity and hearing you speak of Stillwell leaving for New York night before. Had my wife up there week before. Z. W. Whitehead. 11:25 a. m. (1195)

I was asked by a member of the Board about Mr. Adam Dupert, and I stated: "He is a gentleman of standing in Baltimore. He is a director of the National Bank of Baltimore, a director of the Farmers' & Merchants' Bank of Baltimore, a director in the Consolidated Electric Light & Power Company, one of the largest stockholders, and a director in the Creamery Company of Baltimore. He is a director and officer of the Tide Water Cement Company of Baltimore." (1199)

At the conclusion of the evidence and before the arguments of counsel were begun I was asked by a member of the Board, "When did you first know of the publication of the editorial of Jan. 20, 1911?" And I replied:

Let me say I never knew of the editorial being published till Mr. Scott produced it here several days ago. I never read it. No attention was ever called to me about it, and in addition I never saw the Record-Herald article of Feb. 15 until after the Helm Committee investigation. And no one, to my knowledge, ever referred to that article of Jan. 20—either by newspaper articles, records or anything—until Mr. Scott referred to it here. It was a complete surprise to me, and at Washington my whole attention was called to the date of Feb. 15. I made a very careful search to satisfy the Committee where I was all that time. When this was sprung on me the other night I relied on documentary evidence I had, but since that time I have gone completely into a personal search to verify every statement I made here to you, and can sub-

stantiate it in every detail. If there is anything you wish verified I can satisfy every member on that point, no matter how particular they want to be, to show that I was not in Chicago on those dates. (1139)

FUNK IMPEACHED BY HIMSELF, M'CORMICK AND BANCROFT

Attorney Loesch told the exact truth in his argument for the prosecution when he asserted that the Board must render a decision based on the veracity of Clarence S. Funk relative to his testimony concerning the alleged "second conversation" between himself and me. Mr. Loesch assured your Board that the date of January 20, 1911—the date of the newly discovered Record-Herald editorial—was vital. Mr. Loesch declared:

"IT IS A MOUNTAIN PEAK, BECAUSE AROUND THAT CENTERS THE TRUTH OR FALSITY OF MR. FUNK'S STATEMENTS APPLICABLE TO THE CONTROVERSY."

This was tantamount to a declaration that the Board must ignore and forget all of Funk's testimony fixing other dates. It was a declaration that Funk had testified falsely in naming February 15, 1911, as the approximate date. It was a declaration that Funk had not testified correctly when he answered that September or October, 1909, was the period in which I paid that second alleged visit to Funk.

Attorney Loesch knew, and every member of your Board knew that January 20 was the date of last resort. Listen again to Mr. Loesch: (Page 843, U. L. Record.)

"We have fixed the editorial of January 20th because *we have produced it*, and the date of its publication is established, and *it answers all the conditions which* MR. FUNK HAD IN MIND AS HE TESTIFIED HERE BEFORE YOU. Now, that is the crucial point. It was before, or it was after. IT WAS IMMEDIATELY AFTER. Or, it was a day or two after, or it was around *that*. You can read and reread the testimony and *you will always come back to that point*. Now, THAT IS OUR FIXED POINT."

Is not that plain language? Why did Mr. Loesch make

that positive declaration? *Because there was no other escape from the conclusion that Funk had invented the story of the second conversation.*

Please fix in your mind the fact that there was one imperative condition which had to be established before it could be assumed that there was even a possibility that the alleged second interview between Funk and myself occurred. That condition was this: A DATE HAD TO BE DISCOVERED ON WHICH FUNK, McCORMICK, BANCROFT AND MYSELF ALL WERE IN CHICAGO.

Fortunately for the cause of truth, this condition was one fixed by testimony other than that given by Funk. He would not have hesitated to repudiate any former testimony on that point. He would have squirmed and twisted and evaded the plain purport of any statement which had been nullified by evidence introduced against him, but the diaries of Mr. Cyrus H. McCormick and Mr. Edgar A. Bancroft, which were introduced by Mr. Loesch for another purpose, upon examination by my counsel, revealed the whereabouts of Mr. McCormick and Mr. Bancroft on every day in the crucial period, and *flatly impeach the veracity of Clarence S. Funk, and prove that the second alleged interview never occurred!*

Under the grossly unfair method of procedure adopted and insisted on by your Board, I was compelled to make a defense against allegations or insinuations not then fortified by any evidence whatever. The prosecution was permitted to set up any conceivable theory or suggestion, and I was forced to combat that fancy or figment with documentary evidence. With this in their possession the prosecution would later introduce what evidence they had, or would decline to answer it if it was deemed unanswerable. This seems incredible, but the record proves that this was the procedure adopted and followed.

I am glad that I first established my whereabouts on the various dates called in question. I did this at a time when I had not the slightest idea that Funk, McCormick and Bancroft had diaries showing a record of their movements, and when I did not know that these diaries would be submitted in evidence.

THESE DIARIES OF THE PROSECUTION ITSELF CONTAIN THE UNASSAILABLE PROOF OF THE TRUTH OF MY TESTIMONY THAT I WAS NOT IN CHICAGO ON ANY DATE MADE POSSIBLE BY EITHER OF THE EDITORIALS IN QUESTION.

A PROPHECY FULFILLED

At the time Attorney Loesch made the unhesitating declaration that the second alleged interview was caused by the editorial of January 20th, and that it occurred shortly afterwards, I at once made a statement showing in a general way my whereabouts, but I had not then had the time to mass the proof later disclosed by an examination of telegrams, correspondence files, hotel records, etc. Mr. Loesch pretended that he saw a way in which I might have made a trip from Washington to Chicago and return, and he brazenly assumed that I did make that trip and that I did hold the interview with Funk. In ignorance of the fact that I would later put in documentary and oral evidence which even he could not ignore, Loesch made (page 864) this additional declaration, pinning himself squarely down to a specific date:

"Now, this confirms like a stroke from the above the theory I was working out last night, that there can be—*that was the day and there was no other day*. (January 21, 1911, as the date of the alleged interview.) And that conversation took place as certain as the sun is shining upon us today. Now, the facts fit into that, and *do not fit anywhere else*, and it is just as Daniel Webster says in the great Webster trial: 'There is no place in the universe for a lie,' and some way, somewhere, somehow, that fact will be proven here, and it can be proven."

THAT PROPHECY WAS FULFILLED! The lie was exposed in the Union League Club, and it was exposed even by Attorney Loesch's witnesses. The diaries kept for Cyrus H. McCormick and Edgar A. Bancroft proved that they were not in Chicago on any date within the period imperatively fixed by the facts and by the testimony—the condition imposed being

that Funk, McCormick, Bancroft and myself all must be in Chicago on the same date.

I did not establish that condition. Funk gave the original testimony affirming it. He swore in Springfield and in Washington that he immediately related to McCormick and to Bancroft some version of what was alleged to have happened. Both McCormick and Bancroft testify that Funk came at once to them with a tale of my alleged visit, and of my attempt "to refresh his memory." They therefore became witnesses because of something said by Funk.

Funk labored under no such handicap in the matter of the original Union League Club conversation of May 27, 1909. He named no witnesses. He presumed that it would be solely his word against mine, and he depended on a partisan press to blacken my character. But as to the second alleged conversation he named witnesses, *and these witnesses of his own creation came before the Union League Club and impeached what remained of his veracity.*

AN ELOQUENT CHART

I now submit a chart compiled from the diaries submitted to your Board by Clarence S. Funk, Cyrus H. McCormick and Edgar A. Bancroft, and from the verified proof of my whereabouts as given by witnesses of the highest standing and reputation, whose testimony is fortified by documentary evidence the validity of which cannot be called into question. Here is the concrete proof that I told the truth. Here is the overwhelming evidence that I was falsely accused, unfairly tried and unjustly condemned by your Board:

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CHART SHOWING MOVEMENTS OF HINES, FUNK, M'CORMICK AND BANCROFT FROM JANUARY 11, 1911, TO MARCH 12, 1911, THIS BEING THE ONLY PERIOD WITHIN WHICH THE ALLEGED SECOND INTERVIEW BETWEEN FUNK AND HINES COULD HAVE OCCURRED.

Date.	Funk.	Hines.	McCormick.	Bancroft.
Jan. 11	Chicago	Washington	Chicago	Left for N. Y.
" 12	Chicago	Washington	Left for N. Y.	New York
" 13	Chicago	Washington	New York	New York
" 14	Chicago	Left for Chicago	New York	New York
" 15	Chicago	Chicago	New York	Washington
" 16	Chicago	Chicago	Chicago	Washington
" 17	Chicago	Left for Wash.	Chicago	Washington
" 18	Chicago	Washington	Chicago	Washington
" 19	Chicago	Left for N. Y.	Chicago	Chicago
" 20	Chicago	N. Y. & Phila.	Chicago	Chicago
" 21	Chicago	Washington	Chicago	Chicago
" 22	Chicago	Wash. & Balt.	Chicago	Chicago
" 23	Chicago	Washington	Chicago	Chicago
" 24	Chicago	Left for N. Y.	Chicago	Chicago
" 25	Chicago	New York	Chicago	Chicago
" 26	Chicago	New York	Chicago	Chicago
" 27	Chicago	Washington	Chicago	Chicago
" 28	Chicago	Washington	Chicago	Chicago
" 29	Chicago	Washington	Chicago	Chicago
" 30	Chicago	Washington	Chicago	Chicago
" 31	Chicago	Washington	Chicago	Chicago
Feb. 1	Chicago	Washington	Chicago	Chicago
" 2	Chicago	Washington	Chicago	Chicago
" 3	Chicago	Washington	Chicago	Chicago
" 4	Chicago	Washington	Chicago	Chicago
" 5	Chicago	Chicago	Left for N. Y.	Chicago
" 6	Chicago	Chicago	New York	Chicago
" 7	Left for N. Y.	Left for Wash.	New York	Chicago
" 8	New York	Washington	East	Chicago
" 9	New York	Washington	East	Chicago
" 10	New York	Left for N. Y.	East	Chicago
" 11	New York	Washington	East	Chicago
" 12	Chicago	Washington	East	Chicago
" 13	Chicago	Washington	East	Left for Boston
" 14	Chicago	Washington	East	Boston
" 15	Chicago	Washington	East	Boston
" 16	Chicago	Left for N. Y.	East	Boston
" 17	Chicago	Washington	East	Worcester
" 18	Chicago	Washington	East	Worcester
" 19	Left for N. Y.	Washington	East	Waterbury
" 20	New York	Washington	East	Waterbury
" 21	New York	Washington	East	New York
" 22	New York	Washington	East	Chicago
" 23	Chicago	Washington	East	Chicago
" 24	Chicago	Washington	East	Chicago
" 25	Chicago	Washington	East	Chicago
" 26	Chicago	Washington	East	Chicago
" 27	Chicago	Washington	East	Chicago
" 28	L'ft for Wash	Washington	East	Chicago
Mar. 1	Washington	Washington	East	Chicago
" 2	Washington	Washington	East	Chicago
" 3	Washington	Washington	East	Chicago
" 4	Left for Chi.	Left for Chicago	East	Chicago
" 5	Chicago	Chicago	Florida	Chicago
" 6	Chicago	Left for Duluth	Florida	Chicago
" 7	Chicago	Duluth	Florida	Chicago
" 8	Chicago	North	Florida	Chicago
" 9	Chicago	North	Florida	Chicago
" 10	Chicago	North	Chicago	Chicago
" 11	Chicago	North	Chicago	Chicago
" 12	Chicago	Chicago	Chicago	Chicago

Consider, please, that that portion of the public which still doubts my complete innocence is as yet in total ignorance of

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the fact that *Clarence S. Funk was compelled to repudiate before your Board his sworn testimony given in Springfield and Washington.*

Consider, please, that this is the first announcement of the fact that Cyrus H. McCormick and Edgar A. Bancroft surrendered to your Board *the absolute documentary proof that I told the truth in Springfield and in Washington when I declared that I did not call on Clarence S. Funk on or near February 15, 1911.* For giving such truthful testimony I was branded a criminal on the floor of the United States Senate by Senator La Follette, who unhesitatingly accepted the word of Funk *that I did come to him on or about that date,* and that I made a proposition to him which Senator La Follette characterized as typical of the criminal detected and anxious to cover up his tracks.

Consider, please, that Senator La Follette and all of the members of the Senate of the United States have as yet no official knowledge of the facts herewith presented to you.

Consider, please, that Clarence S. Funk gave this repudiation of his sworn testimony to your Board at a time when the Dillingham Committee was still in session; when it was still making an honest effort to throw all possible light on the methods used to elect Senator Lorimer; *when Clarence S. Funk knew that he was the witness whose testimony was responsible for the present investigation of that election—*consider, please, that Clarence S. Funk gave that entirely new testimony before your Board and that *he has declined to conform to my request that he go before the Dillingham Committee and tell under oath the story which he employed to have me expelled from the Union League Club!*

Consider, please, that the press of the nation which was induced to class my truthful testimony of my presence in Washington on or near February 15, 1911, as "a fake alibi," still has no inkling that Cyrus H. McCormick and Edgar A. Bancroft, by their diaries—produced for the first time—gave before your Board the concrete evidence which affirms that

I spoke the truth and that the allegations against me were mistakes or open perjury.

Neither McCormick nor Bancroft were in Chicago on or near the date fixed by Funk in his sworn testimony before the Dillingham Committee.

WHAT THE CHART PROVED

Never in any investigation, legal or informal, public or private, was more overwhelming proof presented than that which I offered to refute Funk's claim of said alleged second interview, and that I came to his office on or near January 20, 1911, because of an editorial discovered to have been printed on that date. Not an atom of proof was presented by the prosecution to that effect. All of their former "theories" had been absolutely obliterated. Their founder stood impeached and discredited. I was vindicated by the evidence, yet Funk was permitted to climb out of the ruins of his shattered fictions and his new "theory" was seemingly accepted as gospel truth by a Board which had witnessed absolute and repeated impeachments of his veracity.

No court of law would have asked me to disprove a "theory," unsupported by evidence, much less a "theory" enunciated by the impeached author of discarded and exploded "theories." But I had no desire to stand on legal technicalities. I realized that the method of procedure was unfair, but notwithstanding I was able to prove to your Board and now to you my innocence against any contention set up by Funk or his representatives on or off the Board.

The new "theory" was that it was possible that I was in Chicago on or about January 20, 1911. It was not contended that it could be *proved* that I *was* then in Chicago. Not at all. I was compelled to *prove that I was not in Chicago on that date*, and it was a foregone conclusion that my failure to present absolute proof would decree my guilt! In other words, the mere fact that I had returned to Chicago—my place of business, the center of my activities, my home—on that par-

ticular date, would be presumed to adjudge me guilty of having held an interview with a man whose entire testimony is a mass of involved contradictions. A number of things could have called me to Chicago on that date. It is not a crime to return from Washington or New York to Chicago. Yet, before your Board, it would have been deemed evidence of a crime in my case, and it was demanded that I defend myself against the *possibility* that I had committed it.

It happened, as the evidence shows, that I was not in Chicago on or near the date of January 20, 1911, and I proved this by offering the witnesses, evidence, data and documentary proof condensed and partially enumerated as follows:

WHAT I PROVED

That I left Washington for New York on the evening of January 19, and was in New York on January 20th. This is thus proved:

Testimony of Mr. C. R. Nelson, Mrs. Hines, Miss Moody, myself; a letter from W. C. Brown dated January 20, 1911, and handed to me by him on that day in New York; a letter of my own dated the next day at Washington to Mr. W. C. Brown thanking him for the courtesies shown me the day before; also Mr. Moffitt, Mr. Dudley and Mr. Shonts whom I met that day in New York and whom I named in my testimony as persons who would corroborate my statement that I met them on that day in New York. If my statement in this regard was not true it would have been very quickly disproved by the prosecution by securing communications from these gentlemen showing that fact.

That I was in Philadelphia on the evening of January 20th was thus proved:

The testimony of Dr. Green, Miss Green and myself; proof that Mr. Ryan, who also saw me in Philadelphia was ill and unable to be present.

That I was in Washington on January 21 was conclusively proved as follows:

Testimony of Mr. Nelson, Mrs. Hines, Miss Moody, Mr. Wand with hotel records, myself, shorthand book of my private secretary showing numerous dictations of letters, etc., made by me to him in the course of business on that date; two telegrams from Mr. Cotter stating that he was in Washington on that date and met me and took dinner with me at my hotel; a telegram from Allan Gilbert stating that he was in Washington and met and talked with me on that date; also a telegram from Z. W. Whitehead stating that he was in Washington on that date and conferred with me about a business matter; also a telegram sent by me from Washington to Chicago on that date and a number of telegrams received by me at Washington on that date; telephone charges confirming telephone talks on that day with Dr. Riordon of Pikesville, and Dr. Green of Philadelphia; diaries containing entries confirming my presence in Washington on that day.

That I was in Washington and Pikesville, Md., on January 22nd was proved by these witnesses:

Testimony of Miss Moody, Mrs. Hines, Mr. Nelson, Mr. Lebeau, Adam Dupert, Dr. Green, Dr. Riordan, Mr. Wand, with hotel records, and by memorandum dictated by me to Mr. Law.

In the course of fixing my whereabouts during all of the time I was absent from Chicago it also conclusively appeared from the foregoing witnesses in Washington, and by telegrams sent and received by me at Washington, shorthand notes showing dictation, hotel records and charges, etc., that I was in Washington on January 23rd and 24th and that I left Washington on the evening of the 24th for New York.

It also appeared by the testimony of witnesses and by telegrams and so forth, sent and received by me at New York, and by the hotel register and charges entered on the books of the Waldorf-Astoria Hotel Company, that I was in New York on January 25, 26 and 27, and that I returned to Washington on the evening of the 27th.

It also appears from the testimony of witnesses, telegrams sent and received by me, shorthand notes showing letters dic-

tated by me, telephone charges, hotel records and charges on the books of the hotel against me, diaries and so forth, that I was in Washington continuously from the time of my return from New York on the evening of January 22nd to the evening of February 5th, 1911, when I returned to Chicago.

It also appears by a mass of like evidence that I was in Washington and the East continuously from February 8 (when I returned to Washington from Chicago) up to the evening of March 4, 1911, when I left Washington for Chicago on a train with Clarence S. Funk on board, both of us arriving in Chicago on March 5.

THE LUCK OF A SUNDAY

Study that chart. When I gave my testimony I had not the slightest knowledge of the movements of Mr. McCormick and of Mr. Bancroft. I had no idea that I would later be called on to account for every day and hour, neither did I suspect that it would have been fatal for me to have been in Chicago on a day when Mr. McCormick, Mr. Bancroft and Funk were in their home offices. Observe the movements of Mr. McCormick and Mr. Bancroft. Seemingly a kindly fate inspired one or the other of these gentlemen to leave Chicago on all occasions when there was a possibility of a conjunction of the four of us.

Note how our orbits approached and finally joined on February 5. Of course, this was ten days before the publication of the editorial of February 15, and sixteen days after the editorial of January 20, and did not fit in any way the various kinds of testimony Funk has thus far given, but there is every reason to believe that the prosecution would have clutched at that date despite all that, were it not for one Providential circumstance, viz: *February 5, 1911, fell on a Sunday.*

Mr. McCormick left for New York or the East on that Sabbath day—as his diary shows—but suppose he had postponed his trip another day? It then would have been alleged that the interview occurred on *that day*, Monday, the sixth of February, and I would have been held guilty because of the fact that I happened to be in Chicago at a time when

Funk, McCormick and Bancroft were at their headquarters. Of course, an editorial would not have served as the alleged cause of my alleged frightened call on Funk, but some other "*assumption*" would have been invented and advanced, and no denial of mine or any proof offered would have outweighed with my prosecutors the fact that *it was possible such an interview could have been held.*

All they wanted was a possibility that I could have called on Funk within the period prescribed by the two editorials. They knew that *proof* could not be produced. The mere *possibility* that the falsehood told by Funk could be entertained was all that the prosecution tried to establish, but they dared not advance the claim that Funk, McCormick and Bancroft were in their offices *on a Sunday*. The calendar stood in their way. Of course, Funk might have introduced evidence to prove that February 5, 1911, *did not fall on a Sunday*, and certain members of the Board might have declined to be guided by any astronomical proof I might have presented in defense of the calendar, but this point was not raised.

The frantic search for a straw on which to float Funk's veracity had failed. The mute testimony of the diaries which recorded the movements of Mr. McCormick and Mr. Bancroft destroyed the last fragment of the flimsy fiction behind which Funk had taken shelter. Two skilled attorneys had failed in their efforts to construct and sustain any sort of a *pretext* on which to decree my expulsion, but this made no difference so far as that finding was concerned. It must now be apparent to you that no proof in my behalf, no impeachment of Funk, *would have prevailed to prevent the decree which apparently had been determined in advance.*

The basis of that inference against your Board is affirmed by every page of the record in which is preserved the history of this disgraceful procedure.

FUNK VERSUS FUNK

Space does not permit more than a glance at Funk's flat contradictions, pitiful evasions and clumsy floundering as ex-

hibited on the record of my trial before your Board in comparison with his sworn testimony given in Washington and Springfield. If ever a witness impeached himself, Funk is that witness.

Consider first the various dates, or approximate dates, that Funk fixed in the various hearings when he was asked to fix the date for the alleged "second conversation."

(1) Before the Dillingham Committee Funk thus explained what I said: (Dill. 557) "The substance of it was that he did not want me to misunderstand our talk the other day." This infers that the alleged second talk occurred a few days after the one of May 27, 1909. For aught that appears, according to this evidence, Funk places the second talk nearly two years prior to the appearance of any editorial.

(2) The date next in order as set by Funk was "a few months after" the original conversation in the Union League Club. This indefinite date appears on Page 20 of the record of my trial before your Board.

(3) When asked by some member of your Board to be more definite, Funk replied (Page 21): "I think it was four or five months after the meeting in the Union League Club." This flat repudiation of his sworn testimony given before the Dillingham Committee established a new date of September or October, 1910.

(4) The manner in which Funk fixes the fourth date for this one particular alleged interview is revealed in his testimony before the Union League Club, as follows: (Page 21, U. L.)

QUESTION: Had the matter become public before this second conversation?

MR. FUNK: No.

QUESTION: Did you later mention that conversation to anybody which gave it more publicity?

MR. FUNK: Yes, sir; I mentioned it to Mr. Kohlsaatt, a personal friend of mine.

QUESTION: How long was that ago?

MR. FUNK: That was several months afterwards, as I recall it. It was about the time Mr. Hines came to see

me the second time, and *I connected these two things in my mind.*

Observe that Funk carefully refrained from mentioning *any* editorial to your Board. Before the Helm and Dillingham Committees he repeatedly and unhesitatingly connected my second visit with him to the appearance of the editorial of February 15, 1911, but, having been impeached on that, Funk now told your Board that he identified my second talk with the fact that he had revealed it to Mr. Kohlsaatz. Funk stated to your Board that the conversation with Mr. Kohlsaatz took place before the first senatorial investigation of the election of Senator Lorimer. (U. L. Page 22.) This placed it at least prior to September, 1910, when the Burrows Committee began its investigations.

(5) The date fixed by Funk before the Helm and Dillingham Committees was a day, a day or two, or a very short time after February 15, 1911. Everybody understood from Funk's testimony that this was the date.

(6) The new editorial of January 20, 1911, was the sixth attempt of Funk to fix a date.

(7) On ascertaining positively that I was in New York on January 20, 1911, Funk fell back on the final date of January 21, 1911.

Think of it! Seven dates set by my accusing witnesses for an interview that never was held! In a desperate effort to give some appearance of truth to his original falsehood, Funk roamed the calendars of two years, clutching at dates all the way from "the other day,"—presumably shortly after May 27, 1909—down to "a few days after" February 15, 1911.

ATTITUDE OF THE BOARD

And what was the attitude of your Board during this shocking exhibition? It was an attitude of sustained, serene, patient, trustful and hopeful credulity. It listened with child-like faith as Funk set each new date. It was not disturbed or in any way surprised when Funk abandoned these successive dates because of the introduction of proof which pro-

claimed their falsity, and there were no symptoms manifested by the Board of a weakening of this child-like faith in Funk as the developments in the proceedings more pronouncedly shattered his veracity. The mere fact that Funk had told four or five conflicting tales concerning a vital feature of the case was seemingly no indication to your Board that Funk was not the standard bearer of truth.

And what was the attitude of certain members of your Board towards me? It was one of unconcealed hostility, of immovable bias and of unyielding prejudice. I did not make a statement for which I failed to adduce absolute proof, yet I was compelled to listen to sneers, insulting side remarks and incredulous manifestations concerning documentary evidence which told the unassailable truth on its very face. Do you doubt that? Read the record!

And what was the treatment accorded my witnesses? The men who testified in my behalf were without exception American citizens of clean morals and good reputations. They testified of facts which had occurred in the ordinary course of events, of which they had personal knowledge and in proof of which they presented verified data. Some of these witnesses were treated as if they were the paid accomplices of a crime. They were subjected to cross-examinations by Funk's attorneys and by certain members of the Board by language and in a manner at times openly discourteous.

It is a disagreeable task, but I will give one of a score of instances which shows the attitude of the prosecution towards witnesses who had the temerity to tell before your Board the truth which refuted the falsehoods on which the case against me was predicated.

The testimony of Reverend James F. Green to the effect that I was with him in Philadelphia until midnight of January 20, precluded the possibility that I could have been in Chicago on January 21. This testimony was fortified by other witnesses, and by documentary proof, but Attorney Loesch reserved the vials of his wrath for this clergyman, and in the absence of

Father Green from the Board room made this shocking assertion:

"Now, I don't believe Father Green. That is the absolute fact! I don't believe him!" (1145)

You may rest assured that Loesch never would have made that remark in the presence of Father Green. At the earliest opportunity I called Loesch to account for this insult (1148):

MR. HINES: Mr. Chairman, I don't feel that I can sit still and have counsel class Father Green as a perjurer in this case. Now, I will demand an opportunity to bring here from Philadelphia the gentleman we (Father Green and I) called on, and I will have him here as quick as a train can bring him here. I think that is desired, when a man of such standing as Father Green, not only in Chicago but in the United States, is classed as a perjurer!

MR. LOESCH: I didn't class him as a perjurer.

MR. HINES: You did.

MR. LOESCH: I did not. I said I didn't believe him. That was not classing him as a perjurer. *He was not under oath.*

No, Father Green was not under oath before your Board. Neither was Clarence S. Funk, but the plain inference of the language of Loesch, attorney before your Board for Funk, is that he believes that Father Green told falsehoods before that Board, and that this clergyman committed that crime against God because of the knowledge that no earthly tribunal could hold him to account for perjury! Was a greater and more uncalled-for insult ever given a clergyman? Does the Loesch plea of immunity from perjury in any hearing before your Board account for the class of testimony given by Clarence S. Funk? Did Attorney Loesch advise Funk that nothing which he might say before your Board could convict him of perjury? Was the legal constraint the only one considered by Funk and his attorney?

THE CANDOR OF FUNK

Here is an illuminating incident showing the character and candor of Funk:

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I presented, under oath before the Dillingham Committee, the evidence which absolutely established the fact that I was not in Chicago on or near February 15, 1911, and therefore could not have held the interview alleged by Funk to have taken place at that time. This was the most important of the seven alleged dates fixed by Funk for a single happening.

Funk was under cross-examination before your Board when the following occurred:

A MEMBER: "You knew that Mr. Hines was trying to prove an alibi, or did prove an alibi during the time, basing it on a supposed interview after an editorial of February 15th. Did that make an impression on your mind?"

MR. FUNK: "No."

A MEMBER: "Why not?"

MR. FUNK: "Well, I don't want to be offensive."

MR. LOESCH: "Well, don't let us have any offensiveness. Leave it out."

MR. FUNK: "It made no impression on me." (673)

Funk did *not want to be offensive!* About what? His lie to the effect that I called on him on or near February 15, 1911, because of the Record-Herald editorial of that date had been fully exposed before the Dillingham Committee. Your Board had already admitted that no such interview could have occurred on that date. Funk's superior officials in the International Harvester Company later laid before your Board evidence which proved that they were not in the city on or near that date, *and hence demonstrated that the story told by Funk under oath before the Dillingham Committee was false!* Funk himself later fixed the alleged date of that alleged interview on or near January 20, 1911, fixed it positively and unreservedly, *thus giving the lie to all of his former statements*, and yet you hear him sneering at my truthful, proved and admitted statement of my whereabouts, and insinuating that any evidence produced by me was a fabrication.

Not an essential statement made by Clarence S. Funk under oath or before your Board remains unimpeached!

Not a statement made by me under oath or before your Board has been impeached, nor can the strict accuracy of any detail of my testimony be assailed.

And yet Funk does not want to be offensive!

A STRANGE SPECTACLE

What a spectacle was thus presented at the close of the hearings! With their resources exhausted, no further surprises to spring, no new editorials to produce, no new dates to conjecture, no more anonymous telegrams to offer, no more flimsy "theories" to advance, Funk and his attorneys had come to the end of their rope.

The prolonged search for a pretext which would give an excuse for my expulsion had failed, *but that made no difference in the verdict.*

In order to put the prosecution on record, my attorney asked if testimony was desired regarding dates other than those which had been advanced by Funk and disproved. Chairman Sidley replied that the Board did not care to consider any other dates, and then asked Attorney Loesch if he had anything further to offer. Funk's attorney made this significant reply:

"I will say that the shifting backwards and forwards of this has left me in such a state of doubt that I am not yet prepared to abandon that date of the 21st . . . That is the way it leaves my mind, or I would not hesitate for a moment. I will say that *on the face of it it looks as if Mr. Hines was there on the the 21st, but there are a lot of circumstances to indicate the other thing.* I do not want to spend the time of arguing it over again." (1201)

Here was an admission of defeat from the lawyer who knew that the 21st of January was the date of last resort, and who finally realized that it was folly to contend that I could have been in Chicago on that date. I have submitted enough of the record to indicate to you the bitterness and bias of Loesch—who was one of the signers of the false charges against me, and who later became my vindictive prosecutor before a Board that

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gave him every latitude—but even Loesch was forced to admit the impossibility longer of defending the theory to which he had committed himself and his client.

But Chairman Sidley repeatedly took pains to inform me and my attorney that the Board would not be bound by any statements or admissions made by Funk's counsel. This was a declaration which intimated that the Board considered itself the real prosecutor. This attitude became more marked as the successive dates and claims set up by Funk and Loesch were demolished. It finally dawned on me that no testimony or evidence that I might offer would have controlling weight with the Board, although I knew that the evidence I had produced established my innocence on the charges preferred against me.

The Constitution of the Union League Club declares (Article II, Section 9) that: "*No member shall be condemned without an opportunity to be heard in his defense.*" On what was I condemned? Surely not on any charge considered before your Board! If ever charges were disproved, these charges were disproved. Their author stood discredited before your Board. He stood convicted of open falsehood. Overwhelmed by that humiliating impeachment, Funk's attorney sought refuge in silence. He dared advance no more charges. The Board did not bring forward any other charges, but apparently was *committed to decree my expulsion and did so in the face of the absolute proof of my innocence.*

It is possible that a majority of the Board *actually believed Funk and disbelieved me when these proceedings were instigated, but it is impossible to imagine that they believed Funk when those hearings were terminated.* Why, then, did the verdict ignore the plain import of the evidence?

I will admit that it does not seem possible that men honored with membership on the Board of Governors of the Union League Club could be induced to accept exposed falsehoods and to reject proved truths, but the record of my trial shows that your Board either did that very thing *or else expelled me on charges not made or even suggested, and against which I*

had no "opportunity to be heard in my own defense"—a direct violation of the spirit and words of the constitution of the Club.

YOUR BOARD VERSUS THE DILLINGHAM COMMITTEE

Here is the answer that the Dillingham Committee made to the finding of the Board of Directors of the Union League Club:

"It is not proved that Edward Hines received \$100,000 or any other sum, or that he contributed any sum whatsoever to aid in or obtain the election of William Lorimer to the United States Senate. The evidence is that he did not raise, contribute to or expend such sum or any sum whatsoever to aid or assist improperly in the election of Senator Lorimer."

This resolution was passed by the Dillingham Committee *without a dissenting vote*, and it was passed more than two months after your Board had rendered against me its unjust and unwarranted verdict. This finding of your Board did not deceive the members of that august committee. They were not influenced by this unjust verdict which sought to bolster the shattered veracity of Funk. These Senators had seen and listened to Funk. *They knew that I told the truth, and they knew that Funk was impeached as a witness before them.*

That resolution of vindication is my unquestioned due. It is a declaration of my absolute innocence. It is a merited rebuke to certain members of your Board of Directors. I am no longer the accused—I am the accuser—and my accusation is that I was falsely charged before and unfairly tried and unjustly condemned by the Board of Managers of the Union League Club.

The wrong which these biased judges attempted to inflict on me is partially visited on *you*. The traditional regard of your organization for even-handed justice has been violated. The unfair blow struck at me has taken something precious from the value of your membership. The world may never learn the details of this wrong, but you will not soon forget that a record of it is preserved in the archives of a Club founded

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and made glorious by men who loved fair dealing, and who pledged their fortunes, their lives and their sacred honor to thwart injustice.

EDWARD HINES.

THE VERDICT OF THE DILLINGHAM COMMITTEE.

On May 20, 1912, the Dillingham Committee made public a report of the results of its prolonged investigation of the election of Senator Lorimer. A considerable portion of the majority report was devoted to a consideration of the charges implied in the testimony given by Clarence S. Funk.

The preceding pages were already in type. Please bear in mind that the members of the Dillingham Committee formed their estimate of Clarence S. Funk and of his veracity without being in possession of the fact that he repudiated before the Board of Directors of the Union League Club much of his testimony given under oath before the Helm and Dillingham Committees. The Senate of the United States and the public still are in ignorance of the disclosures made in the preceding pages.

It is the plain truth to assert that no five members of the Senate of the United States better deserve the esteem, respect and confidence of their constituents than do the Senators who formulated and signed the majority report of the Dillingham Committee from which the following extracts are taken. The honesty, loyalty, ability and patriotism of Senators Dillingham, Jones, Gamble, Fletcher and Johnson are not called in question

even by the most partisan and vindictive of the enemies of Senator Lorimer. They might have gained political advantage by yielding to a popular prejudice deliberately fostered by an unscrupulous clique of newspapers, but they preferred to be governed by the facts.

The following extracts refer to that part of the investigation precipitated by the false testimony given by Clarence S. Funk and intended to reflect on me. I take the liberty of emphasizing in italics certain phrases and passages of special significance. The Committee thus pays its respects to the peculiar activities of H. H. Kohlsaat, then Editor of the Chicago Record-Herald:

While the question of Mr. Lorimer's right to a seat in the United States Senate was under consideration and debate in that body, to wit, on January 17, 1911, a committee was appointed by the Senate of the Illinois Legislature, known as the Helm committee, to investigate the circumstances connected with the election of Mr. Lorimer as a Senator of the United States from the State of Illinois. By a peculiar coincidence Mr. H. H. Kohlsaat, editor of the Chicago Record-Herald, on the same day addressed to the Hon. Elihu Root, a Senator of the United States from the State of New York, the following personal letter, containing information which, if true, would have had a direct bearing upon the question at issue before the Helm committee as well as in the Senate of the United States, but the source of which information and its authenticity he could not make public or consent to have investigated because of the circumstances under which he had received the same. The information Mr. Kohlsaat says was given to him in confidence and, as a newspaper man, he felt "the same obligation to maintain secrecy that a priest does of a confession."

The letter was as follows:

CHICAGO, ILL., January 17, 1911.

Senator Elihu Root, Washington, D. C.

My Dear Senator: I have just received a call from some well-known people here, among them Mr. Walter L. Fisher, asking me if I would not write you and tell you of an incident in the Lorimer senatorial election. My friends thought that if you had this personal knowledge it would be of assistance to you in strengthening your belief that money was used to elect Lorimer. The information was given to me in confidence, and as a newspaper man I feel the same obligation to maintain secrecy that a priest does of a confession.

Some time last June I met a friend who is general manager of a Chicago corporation with a capital of over \$25,000,000. He said, "I have been intending to call on you for some days to tell you of an incident that occurred right after Lorimer's election a year ago. I had a visit from Edward Hines, the lumberman, and he told me that Lorimer's friends had had the opportunity of electing him to the Senate by putting up \$100,000; that they had only a few days before the adjournment of the legislature, and could not take time to go around and raise the money, so a half dozen of Lorimer's friends underwrote the \$100,000 and gave it to the proper agent. Lorimer was elected, and we are now asking some of the corporations to pay in their share. I am taking care of the down town district, and another man (mentioning his name) has charge of the stockyards. We figure that your share will be \$10,000." My friend answered substantially as follows: "I can not give you any money for two reasons: First, we are not in that kind of business; and second, if you have gotten yourselves into a hole, why should you expect us to pull you out?"

On the strength of this statement the *Record-Herald* has explicitly stated several times, editorially, that \$100,000 was raised to buy Lorimer's election, and we have never had a protest from anybody on it. The man who gave me this information is absolutely reliable. He had no object in telling me a falsehood, and I believe him thoroughly.

When Col. Roosevelt was here on his way to Cheyenne I told him of the incident, and it was the prime motive that prompted him to decline to sit at the Hamilton Club banquet with Lorimer.

Hoping that this may be of some value to you, believe me,

Yours sincerely,

H. H. KOHLSAAT.

On February 11, 1911, Senator Root replied to this letter, strongly urging Mr. Kohlsaas to induce the friend who had given him the information upon which this letter was based to disclose his identity.

Upon receipt of Senator Root's letter, Mr. Kohlsaas sent for Mr. Clarence S. Funk, general manager of the International Harvester Co., the friend to whom he referred in his letter to Senator Root as his informant, but whose name he had not revealed, and showing him the letter told him that he was the only man who could settle that question. Mr. Funk, after full consideration, refused to allow his name to be given, and on February 15, 1911, Mr. Kohlsaas so informed Senator Root.

On the same day, February 15, 1911, Mr. Kohlsaas published in the Record-Herald an editorial in which the following language was used:

Do we know all there is to be known concerning the \$100,000 fund that was raised to pay for Lorimer's votes?

This attracted wide attention and caused inquiries to be made of Mr. Kohlsaas by Senator La Follette and others who were anxious to ascertain upon what authority such statement and inquiry were made, and what the facts were with respect to the raising of the alleged fund.

Senator La Follette telegraphed Mr. Kohlsaas asking for information regarding the allegation of the existence of a fund of \$100,000, and received in reply the following telegram:

CHICAGO, February 21, 1911.

Senator La Follette, Washington, D. C.:

If I had all the details of the raising and disposition of the \$100,000, would not have asked the editorial question. That \$100,000 was raised for that purpose I have absolutely no shadow of doubt, but can not prove. We have made the assertion a number of times editorially. The assertion has never been challenged. You are the first person to ask for particulars.

H. H. KOHLSAAS.

Senator La Follette was exceedingly anxious to secure the information and endeavored to induce Mr. Kohlsaas to go to

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Washington, and, failing, wired his friend, Mr. Charles R. Crane, to see and induce Mr. Kohlsaat to do so. Mr. Crane visited Mr. Kohlsaat, exhibited the telegram, and urged him to go. Mr. Kohlsaat repeated to Mr. Crane the story he had written to Senator Root, but refused either to visit Washington or to reveal the name of his informant. Immediately thereafter Mr. Kohlsaat sent the following telegram to Senator La Follette:

CHICAGO, ILL., February 22, 1911.

Senator Robert M. La Follette, Washington, D. C.:

Please ask Senator Root to show you my letters of January 17 and February 15. I gave Charles Crane this morning my reasons for not giving names. He agreed with me that it would not be just right or wise to do so.

H. H. KOHLSAAT.

Neither Senator made public the contents of such letters and telegrams during the debates in the Senate, and Mr. Lorimer's right to retain his seat in the United States Senate was determined in his favor by vote of that body on the 1st day of March, 1911.

Almost a month thereafter the Helm committee, which did not commence taking testimony until March 28, 1911, summoned Mr. Kohlsaat as a witness to testify regarding the editorial in question.

* * * * *

RESULTS OF THE INVESTIGATION.

Before taking up for examination the various lines of evidence which have a bearing upon the question submitted to the committee for its investigation, the committee desires to call attention to the fact, *well known to the Senate but apparently unknown to a large proportion of the people of the United States*, that the investigation is not complicated by any charges which involve Mr. Lorimer's private character, the discharge of his public duties, or any other charge upon which his expulsion from the Senate might be predicated.

The only duty which was laid upon the committee in the first investigation or which has been laid upon this committee

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is "To investigate whether in the election of William Lorimer as a Senator of the United States from the State of Illinois there were used and employed corrupt practices."

THE NEWLY DISCOVERED EVIDENCE.

The newly discovered evidence, to which reference is made in the preambles of the resolutions offered in the Senate and to which reference was made in the debates on the same, and the supposed existence of which resulted in the adoption of the resolution of the Senate under which this investigation has been conducted, all bore upon the question whether a fund of \$100,000 was raised by or through the efforts of Edward Hines and others acting with him, or by any other person or persons, with or without his knowledge, which was corruptly used or expended in whole or in part to secure the election of William Lorimer as a Senator of the United States from the State of Illinois by the Legislature of that Commonwealth on the 26th day of May, 1909.

The committee, after the most thorough investigation, during which every source of information has been probed, has failed to find any evidence that a fund of \$100,000, or of any other sum, was raised or spent by Edward Hines or by him in connection with others, or with his knowledge, or by any other person or persons, to be used in or in connection with the election of Mr. Lorimer to the Senate of the United States, or that any corrupt practices were employed in such election.

After quoting some of Funk's conflicting testimony relative to the Union League interview, the report says:

HOW THE STORY WAS REGARDED AND HOW IT WAS USED.

The subsequent history of this incident, so far as Mr. Funk's conduct is concerned, bears out the conclusion that even if it occurred as he testified he regarded it as unimportant. While he testified that soon after its occurrence he communicated it

to the president and to the general counsel of the International Harvester Co. and repeated the substance of it to the assistant manager, it was never again mentioned between them for a period of 21 months, and the only other person to whom, so far as the evidence shows, he ever communicated it until he testified before the Helm committee in April, 1911, was Mr. H. H. Kohlsaas, editor of the Chicago Record-Herald, a bitter political enemy of Mr. Lorimer, with whom he had a street conversation in Chicago immediately after the publication of White's jack-pot story in the Chicago Tribune on April 30, 1910.

That he did not then consider the story as a factor of any value in the vigorous investigations which followed the publication of the White story by the legal authorities of Cook and Sangamon Counties is evident from the fact that he not only pledged Mr. Kohlsaas to secrecy, but that he did not disclose the story to the law officers of either of these counties, nor afterwards to the Senate Committee on Privileges and Elections, which was charged with the duty of investigating the whole subject, nor to any tribunal which might have determined the truth or falsity of his version of the interview between himself and Edward Hines or of the truth or falsity of the declarations alleged by him to have been made by Mr. Hines to him in that conversation.

For 20 years prior to that time Mr. Kohlsaas had been strongly opposed to Mr. Lorimer politically, and he was in full sympathy with the investigation then in progress under the direction of the State's attorney of Cook County, but he made no effort to substantiate Mr. Funk's story, nor did he attempt to ascertain whether there was any foundation for the statement which Mr. Funk said Mr. Hines made to him in regard to the raising of a fund of \$100,000; nor did he, so far as the evidence shows, ever discuss with Mr. Funk the advisability of communicating this information to the prosecuting authorities of Cook County, nor did he do it himself. That he looked upon the story as a newspaper and political asset is apparent.

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In his testimony before the Helm committee at Springfield, Mr. Kohlsaas says:

He gave it to me in confidence. I told him that the confidence would not be betrayed. With that feeling of perfect security that this man's information that he gave me was absolutely reliable, I took the position that the election should be investigated and came out editorially and backed the *Tribune* in its fight. * * * I was so impressed with the truth of this that I came out editorially next day after this and backed the *Tribune* in their story, and have done it ever since. (Helm report, p. 58.)

It appears also that Mr. Kohlsaas immediately communicated this information which he had received in confidence to Mr. James Keeley, the general manager and editor of the Chicago Tribune, in confidence, who made use of it as early as May 2, 1910, in an editorial paragraph headed, "Was it sawdust," followed by the inquiry, "Who furnished the dust, to use a colloquialism, to bribe the legislature?" and on frequent occasions thereafter.

Mr. Kohlsaas also testified that he communicated the story in confidence to Victor F. Lawson, owner of the Chicago Daily News, going so far as to reveal to him the name of Mr. Funk as his informant, and that the information so conveyed to Mr. Lawson thereafter—

influenced his editorial policy during the entire period of the Lorimer investigation (Kohlsaas, 440), and it gave him confidence to be very specific in his editorials in regard to the belief that money was used to buy the election. (Kohlsaas, 440.)

Thus it appears that the three most powerful agencies for the creation of public sentiment in the Central West acted together in a common purpose to convince the public mind that the election of William Lorimer as Senator from the State of Illinois had been brought about by corrupt methods.

The testimony further shows that Mr. Kohlsaas related this story to Theodore Roosevelt, likewise in confidence, late in the month of August, 1910, when the latter made a brief stop in

Chicago on his way to Cheyenne. September 8 following, Col. Roosevelt returned to Chicago to attend a banquet which had been tendered to him by the Hamilton Club of that city. On the morning of that day he publicly announced that he would not attend such banquet if Senator Lorimer was to be present, with the result that, although a member of the club, Mr. Lorimer absented himself on that occasion. The public press teemed with accounts of this incident, producing a profound sensation, and intensifying the prejudice in the public mind against Mr. Lorimer. Col. Roosevelt subsequently wrote Mr. Kohlsaat that the story which the latter had told him as coming from Mr. Hines was the reason he declined to attend the dinner if Mr. Lorimer was to be present.

Mr. Kohlsaat repeated the story, told him in confidence, wherever it would do the most direct and positive injury to Mr. Lorimer, and always unknown to him, "observing the cardinal principle of an honorable, upright newspaper man," and thus putting into practice observing his obligation to maintain "the same secrecy that a priest does of a confession."

During the summer of 1910 the grand juries of Cook and Sangamon Counties made exhaustive investigations of the charges of corruption in connection with the election of Senator Lorimer; indictments were returned, and Lee O'Neil Browne was tried and acquitted on a charge of having bribed Charles A. White to vote for Mr. Lorimer; on the 20th of September the Subcommittee of the Senate Committee on Privileges and Elections, charged with investigating the question whether Mr. Lorimer's election had been secured by corrupt practices, met in Chicago and remained in session there for three weeks.

During that entire period the evidence discloses no instance when Mr. McCormick, Mr. Bancroft, Mr. Funk, Mr. Kohlsaat, Mr. Lawson, Mr. Keeley, or Col. Roosevelt saw fit to bring the information contained in Mr. Funk's statement to Mr. Kohlsaat to the attention of any person connected with any investigation or prosecution above referred to; nor does it disclose the fact that any of these gentlemen ever suggested to Mr. Funk the propriety of revealing the declaration alleged

to have been made to him by Mr. Hines to any public officer or to any investigating body, so that its truth or falsity, and its value as evidence, might be properly determined.

The evidence further shows that although Mr. Keeley disclosed this information to his counsel, Mr. Alfred Austrian, who represented the Chicago Tribune before the first senatorial investigating committee, no suggestion was made by either of them to that committee or any member thereof concerning the Funk story, nor did Mr. Hines's name appear on the list of names of persons furnished by Mr. Austrian to be summoned as witnesses before that committee.

All the facts adduced by the evidence show that the Senate of the United States was permitted to take final action on the question of the right of Mr. Lorimer to retain his seat without any information whatever, as a body, of the existence of the Funk story, and the first knowledge of this incident reached the Senate through the public newspaper accounts of the testimony given by Mr. Funk before the Helm committee at Springfield, April 5, 1911, more than a month after the final action of the Senate in confirming Mr. Lorimer's right to his seat in that body.

The testimony of Mr. Funk stands uncorroborated, either by the testimony of any other witness having knowledge of what occurred at this interview between Mr. Funk and Mr. Hines or by any circumstances which tend to establish his version of such interview.

The acquaintance between Mr. Funk and Mr. Hines had been of a casual, passing character. While both were members of the Union League Club, both were exceedingly busy men and met but few times in a year. They had no personal dealings with each other and their personal associations were confined to occasional meetings at the club, on railway trains, on the streets, at hotels, and in other public places.

In view of the fact that it was known to Mr. Hines that the relations existing between the officers of the International Harvester Co. and Mr. Lorimer were those of opponents rather than friends, it is improbable that he would seek from Mr.

Funk, the representative of that corporation, a contribution to aid in the election of Mr. Lorimer; and *it is inconceivable that Mr. Hines, if guilty of an infamous crime, would have unreservedly revealed it under the circumstances described by Mr. Funk, and in any case to a person with whom he had so slight an acquaintance, and at a time when the election was so fresh in the minds of the public.* And particularly when it appears that at no previous time nor even at that time did Mr. Hines know whom Mr. Funk preferred for United States Senator.

That Mr. Funk was a more than willing witness against Mr. Hines appears from his testimony. When asked how he knew whom Mr. Hines preferred for United States Senator, he replied:

You would see his name in the paper every few days in connection with activities at Springfield, or hear it as a matter of general talk in the streets. (Funk, 544.)

On cross-examination, when his mind was specifically directed to this subject, Mr. Funk testified, among other things, as follows:

Mr. HYNES. You spoke, Mr. Funk, of Mr. Hines's activities at Springfield. What did you have reference to there?

Mr. FUNK. Why, it was a matter of common talk that he was very active down there.

Mr. HYNES. What did you understand he was doing down there?

Mr. FUNK. Pulling wires for the election of Senator Lorimer.

Mr. HYNES. What do you mean by that? What was he doing? How long was he down there in Springfield before the election?

Mr. FUNK. I do not know.

Mr. HYNES. How long before the election did you hear that?

Mr. FUNK. I heard it frequently. (595.)

* * * * *

Mr. HYNES. Do you remember anybody who told you that he was down at Springfield active there in pulling wires for Senator Lorimer?

Mr. FUNK. I think that was a matter of common talk.

Mr. HYNES. Can you tell me anybody that said it?

Mr. FUNK. I met a great many people that talked about it. I can not recall any particular man that made that particular statement. (595.)

These statements must be considered in connection with the fact that Mr. Hines was not at Springfield during the session of the legislature that elected Mr. Lorimer, had not been there for three years prior thereto, and did not go there afterwards until summoned as a witness before the Helm committee nearly two years after such election and that *such "reports" must have had birth in Mr. Funk's imagination.*

Confessing his inability to substantiate his version of the interview with Mr. Hines, Mr. Funk gave as a reason for keeping the same secret that it was simply his word against that of Mr. Hines.

There the case might have rested *but for the fact that Mr. Funk afterwards attempted to corroborate his version of such interview* by testifying that a day or two following the publication of the Record-Herald editorial of February 15, 1911, 21 months after the interview took place, Mr. Hines visited Funk's office in the Harvester Building in Chicago, where, as Mr. Funk testified before this committee, the following occurred:

Mr. FUNK. Mr. Hines arrived at my office one morning shortly after I got there, about 9 o'clock, and he was admitted to my room. He seemed to be considerably agitated, and he immediately began to talk with me about our former conversation.

Mr. MARBLE. What did he say?

Mr. FUNK. I can not repeat it verbatim; but in substance he undertook to refresh my memory as to what our previous conversation had been.

Mr. MARBLE. As nearly as you can, give what he said.

Senator KERN. It is important that we should have the substance of that conversation if you can not remember the exact words.

Mr. FUNK. The substance of it was that he did not want me to misunderstand our talk the other day; that he had not meant to say that any money was used, but that he was only discussing with me in a general way the

situation down there; and that he got to thinking about it afterwards and thought that I might not have understood it, and he was back there to clear it up for me.

Mr. Hines denies in the most positive terms that this alleged interview ever occurred, and testified that from and after February 6, preceding the date of it, until the morning of March 5 following he was not in Chicago, and that such an interview was a physical impossibility. His testimony to that effect and to the effect that he spent that entire period in the East, and with the exception of a day in New York and one in Philadelphia, he was constantly in Washington, *is fully sustained by both personal and documentary evidence of a character which leaves no doubt of the fact.*

The testimony of Edward Thomas, C. R. Nelson, Thomas F. Toomey, Albert L. Swift, and the production of hotel bills, letters, telegrams, books, and other documentary evidence *fully sustain this finding of the committee.*

The attempt and failure of Mr. Funk thus to substantiate his version of his interview with Mr. Hines does not serve to increase confidence in the correctness of the same.

* * * * *

Much time has been spent and space given to a discussion of what occurred during the brief conversation between Messrs. Funk and Hines on May 27, 1909, not because it is conclusive of the facts alleged, but because it was the controlling factor in the action of the Senate in reopening the case and in the appointment of this committee.

The vital question to be determined is whether a fund of \$100,000 was in fact raised by or through the efforts of Edward Hines and others acting with him, or by any other person or persons with his knowledge, which was corruptly used or expended in whole or in part to secure the election of William Lorimer as a Senator of the United States from the State of Illinois.

WAS SUCH A FUND RAISED?

After the most searching inquiry the committee is unable to find any evidence that any sum of money was raised or con-

tributed by Mr. Hines, or through his suggestion, or with his knowledge, to be used corruptly in securing the election of Mr. Lorimer as a Senator of the United States from the State of Illinois, or that Mr. Hines participated in any corrupt practices of any nature in connection with such election, nor can the committee find that any such fund was raised by any person or persons to be so used. The committee goes further and reports that it finds no evidence that any such fund was ever contemplated by Mr. Hines, or suggested to him by any of the gentlemen with whom he conferred before the election of Mr. Lorimer regarding the election of a Senator of the United States from the State of Illinois, and in fact there is no proof that Mr. Hines raised or furnished or spent improperly any money to aid in the election of Mr. Lorimer.

MR. HINES'S INTEREST IN THE ELECTION.

In connection with this finding the committee thought best to incorporate at this point a statement of what the evidence discloses regarding the activities of Mr. Hines in connection with the election of Mr. Lorimer.

While Mr. Hines has had a general acquaintance with Mr. Lorimer covering about 19 years, he has never had any business relations with him, nor has Senator Lorimer been the owner of stock in any corporation in which Mr. Hines has been interested; and although Mr. Hines was a resident of Mr. Lorimer's congressional district about nine years, he never took any interest in the political fortunes of the latter, beyond voting for him, except in the year 1906, when horses and wagons of the Edward Hines Lumber Co. were loaned to the Lorimer committee for a street parade, and Mr. Hines secured the signatures of 25 or 30 business men to a circular which was sent out to voters, showing Mr. Lorimer to be a protectionist, and the value of his work in favor of deep waterways. Mr. Hines does not remember whether he paid for the printing of these circulars or not; but if so, that is the only contribution ever made by him or any of the companies with which

he was connected to any campaign fund to aid Mr. Lorimer at any time.

A major portion of the winter and spring of 1909, during which the Legislature of Illinois was in deadlock over the election of a Senator, Mr. Hines spent in Washington, representing the interests of the National Lumber Manufacturers' Association, in connection with the tariff legislation then under consideration. He did not visit Springfield during the senatorial contest, and had not been in that city for at least five years previous prior to his appearance as a witness before the Helm committee in the spring of 1911.

Mr. Hines apparently had no interest in the senatorial contest, and according to the evidence did nothing in connection therewith until the 1st of February, 1909, when, at the request of Mr. Hibbard, of the firm of Hibbard, Spencer & Bartlett, hardware dealers in Chicago, a codirector with Mr. Hines on the Continental National Bank board, he telegraphed Mr. Lorimer, suggesting the candidacy of Mr. A. C. Bartlett, and followed this telegram by a letter, in which he said:

Mr. Hibbard came to me this morning about the candidacy of Mr. A. C. Bartlett. * * * I feel it might be good policy to nominate a man of this kind, if you have not committed yourself elsewhere. * * * Probably you have already committed yourself along other lines.

In response to this, some time prior to the 1st of April, Mr. Lorimer told Mr. Hines that the different factions could not, apparently, unite on Mr. Bartlett.

During the next two months, from February 1 to April 1, 1909, Mr. Hines, as representative of the National Lumber Manufacturers' Association, looking after tariff legislation, in Washington, was much occupied and paid no attention to the Illinois situation. In this work he was brought frequently into contact with Senators Aldrich and Penrose, members of the Senate Committee on Finance, which was then conducting hearings in connection with the tariff schedules.

The legislative deadlock in Illinois naturally became a topic

of conversation between them and was discussed first as a matter of political gossip; then as the situation developed, the probability of the deadlock being broken was often discussed. Early in the month of April Senator Penrose sent for Mr. Hines and asked him if he knew the situation or could find out whether the legislature was liable to adjourn without electing a Senator; Mr. Hines replied that he did not know, but would try to find out.

To this end Mr. Hines talked first with Congressmen Boutell and Madden, of Chicago, who told him they did not know the real situation, but that probably Congressman Lorimer could give him the information, whereupon he telephoned to Mr. Lorimer, who was in Chicago, and arranged to see him at his office upon his return to Washington; at the interview then had Mr. Hines told Congressman Lorimer that he was not personally interested in the matter, but that Senator Penrose appeared to be much interested, and had asked him to make inquiries. Mr. Lorimer stated that the situation was indefinite; that he could not then say what it really was; but that he was going to Springfield the following night; would return to Washington in about a week, and might then be able to speak with a better knowledge. Mr. Hines reported this conversation to Senator Penrose.

A week or two later Mr. Hines again talked with Mr. Lorimer, who told him that the situation remained practically unchanged. Mr. Hines then inquired particularly as to the men under consideration, and Mr. Lorimer mentioned Congressmen McKinley and Lowden, Judge Grosscup, and Mr. Calhoun. Mr. Hines reported this conversation, as well as what he heard from other sources regarding conditions in Illinois, to Senator Penrose, as he met him in connection with the tariff matters.

About the last of April Senator Penrose told Mr. Hines that Senator Aldrich would like to see him and went with him to Senator Aldrich's office, and in a conversation between them the general situation in Illinois, including the election of a Senator, was discussed, during which Mr. Hines stated that, in

his judgment, Senator Hopkins could not be reelected, and he asked Senator Aldrich what the attitude of the President would be with reference to the matter. Senator Aldrich replied that the President was desirous that a Republican Senator should be elected in Illinois, and while he was naturally friendly to Senator Hopkins on account of the fact that the latter had received the primary nomination, and perhaps for other reasons, he did not intend to take any active part in influencing the action of the legislature; that his wish was that a Republican should be elected, but that he would take no steps in furtherance of Senator Hopkins's candidacy or that of any other person.

A little latter Mr. Hines had another interview with Mr. Lorimer, in which he asked him the direct question whether or not he was a candidate for the senatorship; and the latter replied that he was not, giving as the one important reason his great interest in the deep-waterway proposition which he felt he could best promote by remaining in the House. At that time Mr. Lorimer asked Mr. Hines if he had anyone to recommend for the position, and Mr. Hines suggested Congressman Boutell, which met the approval of Mr. Lorimer; but he could not tell how Mr. Boutell's name would be received. Mr. Hines told Senator Penrose of this, who, in turn, had a talk with Mr. Boutell. About the same time Mr. Hines had an interview with Senator Aldrich regarding the attitude of the President toward the candidacy of Mr. Boutell, stating that an effort was being made to agree upon him as the successor of Senator Hopkins.

He asked Senator Aldrich if he would see the President, ascertain his attitude and advise him, and Senator Aldrich afterwards in another conversation reported to him that the President would be agreeable to Mr. Boutell's candidacy; that his anxiety was to have a Republican elected, and that he was satisfied with Mr. Boutell's Republicanism and would have no objection to his election. Mr. Lorimer's candidacy was not suggested or discussed at that time. Mr. Hines told Mr. Boutell what he had done, and suggested to him that he see

the President. Mr. Boutell did so, and also wrote letters to Chicago to ascertain how his candidacy would be regarded in Illinois; later he went to Chicago and after a careful investigation found that it would be impossible to get the different factions to unite on him; and Mr. Hines told Senator Penrose of the failure of that undertaking.

As time passed the names of Messrs. Boutell, Lowden, and others mentioned in connection with this election, were in the progress of events eliminated, and Mr. Hines ultimately suggested to Senator Penrose that Mr. Lorimer might be the man upon whom the different factions could unite, but because Mr. Lorimer had previously informed him that he preferred to remain in the House it was doubtful if he could be induced to enter the contest. Senator Penrose also learned from other sources that Mr. Lorimer was the only available candidate.

Just previous to the election of Mr. Lorimer by the Legislature of the State of Illinois one or two interviews took place between Senator Aldrich and Mr. Hines regarding the candidacy of Mr. Lorimer and the attitude of the President with respect thereto. Regarding one of these, Senator Aldrich in his testimony says:

Mr. Hines then told me that it was impossible to agree upon Mr. Boutell, and he thought there was a prospect—he said a very good prospect—of agreeing upon Mr. Lorimer; and he was anxious that I should find out the attitude of the President, the administration, toward Mr. Lorimer's election, and tell him what it would be.

This the committee finds was at Senator Aldrich's committee room, late in the evening; that together they rode to Senator Aldrich's house, where Mr. Hines was left to await the return of Senator Aldrich from the White House, where he went to have a consultation with the President in relation to this matter. Senator Aldrich returned home from this interview about midnight, and in his testimony says:

I told him that Mr. Lorimer's candidacy would not be objectionable to the President. Then Mr. Hines asked me if I was willing to say that to anyone that he might

suggest to inquire of me upon the subject; and I said that I was—that if I were asked in reference to the matter I should say that Mr. Lorimer's candidacy would not be objectionable to the President.

Regarding the time of this interview, Senator Aldrich testifies:

I know that it was prior to the election, and my impression is that Mr. Hines told me that he was to leave for Chicago either that day or the next day, or some time very near that.

And on this point Senator Aldrich's testimony is as follows:

Senator KERN. Did you have any conversation with Mr. Hines at all about Gov. Deneen, or the part Gov. Deneen was to take in the contest?

Senator ALDRICH. I think at this conversation Gov. Deneen's name was mentioned by Mr. Hines; not by me.

* * * * *

The CHAIRMAN. What did he say about Deneen?

Senator ALDRICH. My recollection is that Deneen was an important party to this arrangement, or agreement, upon a candidate, and that Deneen's attitude would be more or less influenced by knowing whether it would be agreeable to the President. That was my general impression with regard to that matter.

Both Senators Aldrich and Penrose corroborate Mr. Hines in all essential features of his account of what took place leading up to and including his activities in behalf of Senator Lorimer.

Endeavoring to carry out what he understood to be the desire upon the part of Senator Aldrich and the administration, Mr. Hines went from the home of Senator Aldrich to the New Willard Hotel, from whence, sometime after midnight, he called up Congressman Lorimer on long-distance telephone at Springfield and gave him Senator Aldrich's message. Mr. Lorimer expressed some surprise at mention of the President's name, but Mr. Hines repeated the statement, telling him there was no question about it, as he had but then finished talking with Senator Aldrich, after the latter's return from a confer-

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ence with the President at the White House, and that they would do all they could to assist in his election. Mr. Lorimer asked if Senator Aldrich would send him a telegram to that effect, and Mr. Hines assured him that he himself was authorized to send such a message, and Mr. Lorimer told him to send it. Mr. Hines then asked Congressman Lorimer if he would become a candidate, to which the latter replied :

At this time I can not say ; after I get the telegram I will give the matter consideration.

Mr. Hines accordingly sent the telegram. Senator Lorimer testifies that this was the first word he received from Mr. Hines concerning his candidacy, and Mr. Hines says it was the first time the subject was mentioned between them after the talk in April when Congressman Lorimer told him he would not be a candidate for the senatorship. Senator Lorimer locates the date of this telegram between the 20th and 25th of May, and Mr. Hines puts the date May 23, 1909.

Mr. Hines testifies that matters ran on for a few days, and that Senator Aldrich again sent for him and urged him to go to Springfield and see the governor personally and impress upon his mind the importance to the administration of the election of a Republican, and if Mr. Lorimer could be elected to have him assist in accomplishing it. This was on the morning of May 25, 1909, and Mr. Hines left for Springfield via Chicago that afternoon.

While the committee find some confusion in the testimony on the question whether there were two interviews between Senator Aldrich and Mr. Hines regarding the election of Mr. Lorimer and the mission of Mr. Hines in connection therewith, they are of the opinion that Mr. Hines's memory is the more accurate, and that such was the case ; but if, as Senator Aldrich thinks, there was but one interview, it must have been on the night of May 24, 1909, for before leaving Washington the following day, May 25, Mr. Hines sent the following telegrams to Mr. Lorimer, who was at Springfield :

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MAY 25, 1909.

William Lorimer, St. Nicholas Hotel, Springfield, Ill.:

Aldrich authorizes governor calling him up telephone. Confirm my message; conference last night; governor requested coöperate bring about result; can bring message tomorrow.

WASHINGTON, D. C., MAY 25.

William Lorimer, St. Nicholas Hotel, Springfield, Ill.:

Leaving for Chicago today; can go direct to Springfield. Bring message confirming conference held last night, showing highest authorities want you elected before legislature adjourns. Important Republican party Illinois politics have strong, experienced man, friendly to powers here, elected immediately; needed here now. Telegraph answer quick, duplicate, care limited train, Harrisburg depot.

In both of which messages, as will be observed, he refers to a conference held the night before.

These conferences between Mr. Hines and Senators Aldrich and Penrose impressed Mr. Hines with the importance of the matters under discussion as well as the importance of his activities in connection with them. He understood that in the investigations and reports which he made to them he was carrying out their wishes, that in the end they had reached the conclusion that Mr. Lorimer was the only person upon whom the different factions of the legislature could unite, and they were anxious that he should not only consent to become a candidate but that he should use his best efforts to be elected. In these conferences Gov. Deneen's name had been mentioned as an important factor in the election of a Senator, and Mr. Hines understood, after his last interview with Senator Aldrich at the latter's house, that he was authorized to convey to Mr. Lorimer the wishes of the Senators named, the attitude of the President as to his candidacy, and to urge Gov. Deneen to aid in his election. The telegrams indicate his understanding of the situation and of his mission, and he understood that in carrying this message he was representing the gentlemen with

whom he had been in conference, and that he was authorized to refer anyone wishing for further information as to their attitude or that of the President to Senator Aldrich.

Mr. Hines was very much impressed with the importance of his selection as the medium through whom this message was to be carried to Illinois, and he entered with zeal upon the undertaking.

The evidence indicates that Senators Aldrich and Penrose were the only persons with whom Mr. Hines was working or cooperating in the effort to break the deadlock in the Illinois Legislature by the election of a Republican Senator; that the only real interest he had in the matter was aroused by his frequent interviews with those gentlemen; the evidence also shows that neither he nor they had any candidate whom they specially cared to have elected—any Republican would have been satisfactory, and their purpose was to discover some person upon whom the different factions in the legislature would unite, and to that end they called upon Mr. Hines for assistance. Concerning this, Senator Penrose in his testimony says:

If Mr. Hines had been staying at home and attending to his business in Chicago, and the tariff had not been up, and he had never seen me or a lot of people who were interested in politics night and day, I do not imagine he would ever have gotten interested in the senatorial fight.

Mr. Hines left Washington on May 25, 1909, and reached Chicago between 8 and 9 o'clock on the morning of May 26, 1909. It had been his intention to continue the journey to Springfield, in order as he testified—

to carry out the request made by Senator Aldrich and see the governor and see other leading Republicans, members of the legislature, to impress upon their minds the importance of trying to unite on some Republican as Senator from Illinois. (Hines, 832.)

But upon reaching Chicago he was met at the station by Mr. Wiehe with a message from Mr. Lorimer to call the latter on the telephone from Chicago instead of continuing his journey

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to Springfield as intended. Mr. Hines therefore proceeded at once to the Continental Commercial National Bank, and from there put in a long-distance telephone call for Mr. Lorimer at Springfield. While waiting for this connection, he sent from the bank the following telegram:

CHICAGO, May 26, 1909.

William Lorimer, Esq., Springfield, Ill.:

Just arrived; trying to get you telephone; Aldrich, Penrose, and higher authority, as telephoned you from Washington, want you elected; authorized have governor others call Washington telephone; confirm this; can be there tonight.

EDWARD HINES.

Very soon thereafter Mr. Lorimer called him on the telephone and said:

I would like to have you immediately call up Gov. Deneen on the long-distance telephone, and emphasize to him as strong as possible what you told me from Washington. * * * When you get through talking with Gov. Deneen, call me up on the telephone and let me know what he says.

Referring to this telephonic conversation with Mr. Hines, Senator Lorimer in his testimony says:

I told him that the reason I did not want him to go to Springfield was that the governor was not friendly to my candidacy, and that if he came down to deliver the message it would be too late before he arrived, but probably if he delivered the message to him over the long-distance telephone it might have some influence with him. I had not any idea in the world that it would, but I feel when you are in a campaign you ought to do the last thing, and in his case it was the last thing.

Mr. Hines testified that he also called up Gov. Deneen from the bank and said, as he remembers the conversation:

This is Mr. Edward Hines, at Chicago. I have just come in this morning on the limited train from Washington, and was on my way to Springfield to bring the message to you from Senator Aldrich and the President, urging upon you to do all you possibly can to assist in the election of a Senator at the earliest moment possible.

They understand that Congressman Lorimer can be elected if you will assist.

Mr. Hines testified that the governor did not seem to recognize his voice at first, and there was some suggestion of calling Mr. Reynolds, president of the bank, to identify him, but that finally the governor appeared to recognize his voice and said that would be unnecessary, and, continuing his conversation, Mr. Hines said then to him, "How soon can you see Congressman Lorimer?"; that the governor replied, "I will see him within 10 minutes"; and then Mr. Hines asked him the following question, "Can we rely on your assistance," and understood the governor to say, "Yes."

In regard to this Gov. Deneen testified:

Mr. Hines called me up and asked me whether I had received a message from the President—President Taft—in reference to Senator Lorimer. He stated that President Taft had sent a message to me to support Senator Lorimer, and asked me if I had received the message. I told him no. He said: "Well, President Taft has sent the message, and I intended to come down myself. I have just arrived, this morning, in Chicago;" and my best recollection is that he stated that his train was late, had a five minutes' connection, and the Pennsylvania train had missed connections. But, in any event, he said that he had intended to come, and did not come, could not come; and he said President Taft had sent that message to me, and I would get it. I said: "Did President Taft send that message to me? Did he tell you?" He said: "No." I said: "That is a rather remarkable message to send." He said: "Well, he is to send it through Senator Aldrich." He said: "Of course, the President would not send a message to you on such a matter where it would become a public matter; but Senator Aldrich is to convey the message to you." I said: "Through whom?" He said: "Mr. George Reynolds, of the Continental Commercial Bank, will call up and deliver the message." I said: "Very well."

Gov. Deneen says he did not tell Mr. Hines that he would see Mr. Lorimer within a few minutes, or within 10 minutes,

and says there was nothing in regard to calling Mr. Reynolds to identify his voice; that he was not sufficiently acquainted with him to recognize Mr. Hines's voice, and doubted personally, whether Mr. Hines was telephoning.

While they differ regarding many things which it is claimed were said during this conversation, which is easily accounted for by the difficulty attending a long distance telephone conversation, they both agree that no reference whatever was made to money matters, and that Mr. Hines said nothing about going to Springfield and taking with him all the money that was necessary to bring about the election of Mr. Lorimer, as testified by the witness Cook. Gov. Deneen testified that on May 26, 1909, he did not see or communicate in any way with Mr. Lorimer until after his election, when the latter called upon him about 2 o'clock.

On the contrary, Senator Lorimer testified that Gov. Deneen called him on the telephone on the morning of May 26, 1909, and said:

That he had talked with Mr. Hines over the telephone, and that Mr. Hines had delivered a message to him to the effect that Senators Penrose and Aldrich and the President were anxious that I should be elected.

And in answer to the question: "What response did you make," Senator Lorimer testified:

I thanked him for it. I knew the interview Mr. Hines had had with the governor had had no influence with him.

And Senator Lorimer says in his testimony that the only reason he did not desire Mr. Hines to go to Springfield was because he could not reach there in time, he having concluded to allow his name to be presented that day, and he understood the only assistance Mr. Hines could render was to deliver the message; that the governor made no comment with reference to the message, and in this respect testified. Mr. Lorimer testified:

I thought the governor just delivered a message. I got an impression that the governor either felt that it was his

duty to call me up and let me know, or that he had been requested to call me up and let me know what had occurred.

Senator Lorimer further testified that up to the night of May 25, 1909, he had not been advised that the President or Senators Aldrich or Penrose had authorized anyone to verify their support, or their desire in regard to having a Republican elected. Senator Lorimer further testified that he got the impression from the way Gov. Deneen talked to him over the telephone on the morning of May 26, 1909, that he was—

just doing what he regarded as a duty or extending a courtesy to the person he had previously spoken to over the telephone.

He did not commit himself; and I knew from the way he talked that the message had no influence over the governor.

Senator Lorimer testified to a subsequent conversation with Mr. Hines as follows:

I talked with him over the telephone—quite a while after that, and told him the governor had told me of the message that he delivered to him. When I say “quite a little while after that,” I mean it may have been ten, fifteen or twenty minutes.

After this telephonic conversation with Gov. Deneen from the Continental Commercial National Bank, Mr. Hines went to the Grand Pacific Hotel to meet Messrs. Cook and O'Brien upon a purely business matter, which meeting had been arranged by his subordinates and while in Mr. Cook's room had a second conversation with Mr. Lorimer over the telephone, in which he said in substance:

I have just talked with the governor, and he said he would see you immediately. The Congressman replied, “He has already seen me.” I then said, “Now, if I can do any good I will come down on the afternoon train.” He replied not to come down until he would telephone me. He said, “If my name goes before the legislature today, you could not assist any in time to come here. If

you could assist tomorrow, I will let you know late in the afternoon by telephone."

At this point the activities of Edward Hines in connection with the election of William Lorimer ceased. He did not go to Springfield, and the only person whose action he attempted to influence was Gov. Deneen, and in doing that he simply undertook to deliver what he understood to be the message from Senators Aldrich and Penrose.

The significant facts brought out by all the testimony upon the question of Mr. Hines's connection with Mr. Lorimer's election are :

(a) That he had no special personal interest in the matter, and did not visit Springfield at any time during the session of the Legislature.

(b) That he was not urging the candidacy of any particular person.

(c) That during the two months in which the situation in Illinois was discussed between him and Senators Aldrich and Penrose the names of several men of reputation and character were considered and dropped, and the name of Mr. Lorimer was not mentioned between them as a candidate until three or four days before his election, and not until after his probable candidacy had been under discussion in Springfield and it was believed there that he would become a candidate. It was practically certain Hopkins could not be elected.

(d) That the only object entertained by Messrs. Aldrich and Penrose was to have the deadlock broken and a Republican elected.

(e) That to accomplish this Mr. Lorimer was not objectionable as a candidate either to the President or to them, and various names had been tested and it was found that Mr. Lorimer could command more votes than any one considered.

(f) That Mr. Hines was authorized and requested to report these facts to Mr. Lorimer, Gov. Deneen, and other public men, and to refer to both Senators Aldrich and Penrose as his authority.

(g) *That it flattered Mr. Hines to be consulted by Senators Aldrich and Penrose, and his sense of the importance of the matter was greatly enhanced when he knew that they had been in conference with the President, and that Mr. Lorimer's candidacy would not be objectionable to him, and that to be intrusted with the responsibility of making known their wishes and explaining the attitude of the President to Gov. Deneen and to Mr. Lorimer was a great personal favor.*

(h) *That he believed when the election followed so closely these events that he had been instrumental in bringing it about and was correspondingly elated.*

The only testimony before the committee that in any way connects the name of Edward Tilden with the alleged fund raised to aid in the election of William Lorimer is incorporated in the statement reluctantly made by Mr. Funk when he says: "Mr. Hines said, 'Just sent the money to Ed. Tilden.'" Not a witness has testified to any fact tending to establish the existence of such a fund or to Mr. Tilden's connection with any such fund. But the committee saw fit to summon Mr. Tilden as a witness and in his testimony he denied with great emphasis any knowledge of the existence of such a fund, or having any connection with it, and stated that the first time he heard his name mentioned in that respect was when he read in the newspapers an account of Mr. Funk's testimony before the Helm committee at Springfield.

To further determine the question whether Mr. Hines had been a contributor to or had any part in it, and whether Mr. Tilden had received or disbursed the same, the committee employed the firm of Barrow, Wade, Guthrie & Co., certified public accountants of New York. Mr. Ritchie of that firm made an examination of the accounts of the Edward Hines Lumber Co. and all its subsidiary branches and of the companies controlled by it, including the North Wisconsin Lumber & Manufacturing Co.; Hayward Mercantile Co.; First National Bank, Hayward, Wis.; Mason State Bank, Mason; White River Lumber Co.; Iron River Lumber Co.; Virginia & Rainy Lake Co., covering the period from April 1, 1909, to December 31,

1909, as well as the personal books of Edward Hines for the year ending December 31, 1909, and reported to the committee as follows:

(a) That there was no evidence of the Edward Hines Lumber Co. or any of its subsidiary or controlled companies having received or disbursed any moneys in connection with the election of Mr. William Lorimer, on May 26, 1909, to the United States Senate from the State of Illinois.

(b) That there was no evidence of Mr. Edward Hines as an individual having received or disbursed any moneys in connection with the aforesaid election.

In order to ascertain whether or not Mr. Hines might have negotiated a loan from one or other of the banks in Chicago with which he was connected, or with which he had business relations, I visited the following banks and trust companies: Continental National Bank, Hibernian Banking Association, Fort Dearborn National Bank, Northern Trust Co., Corn Exchange National Bank, Metropolitan Trust & Savings Bank.

At each of these banks I examined their record of notes discounted during the last week in May, 1909, and the first part of June, 1909.

I am able to report, therefore, that at none of these banks, in the period under review, did Mr. Hines discount any note or notes, either as drawer or as indorser.

An examination was also made of the books of Mr. Edward Tilden, and after reciting the method of the same and the theory upon which it was conducted, Mr. Ritchie reported to the committee that—

There was no evidence that Mr. Tilden had been custodian of the fund alleged to have been raised in connection with the election of Mr. William Lorimer to the United States Senate from the State of Illinois.

* * * * *

The Funk testimony was also lacking in conclusiveness. *In fact, it has been taken cum grano salis (with a grain of salt) by nearly everyone who has heard it.* Mr. Funk himself admitted that he thought his story would not be believed. His associates, to whom it is claimed he told the story at the time,

did not take it seriously enough to report it to any of the public authorities or to the committee of the Senate that shortly afterwards was in session across the street from the office of Mr. Funk and his associates, and these associates of Mr. Funk who testified that they heard from him the story profess to be very good citizens. Mr. Kohlsaas did not have enough confidence in the story of Mr. Funk to insist upon the right to give it full and unqualified publicity. He did make the story known (without revealing Funk's identity) to several Senators some time before the final action of the Senate in the former proceeding. No Senator thus advised treated the information as of enough importance to ask for a reference back to the committee or the reopening of the taking of evidence, though all knew Mr. Kohlsaas could not refuse to reveal the name of his informant if Mr. Kohlsaas were called as a witness. When Mr. Funk did give his testimony its very improbability was its most marked feature. It was wholly uncorroborated. His version was contradicted in its various parts by many witnesses. No one could say it was sustained by the preponderance of the evidence.

The testimony of others as to the gossip regarding a fund used in the senatorial election was speculative and worthless and wherever it had any tangibility it was conclusively contradicted and refuted.

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